



**THE
KARNATAKA
PANCHAYAT
RAJ
ACT, 1993**

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THE KARNATAKA PANCHAYAT RAJ ACT, 1993.

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Price Rs. 45—00

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THE KARNATAKA ACT NO. 14 OF 1993

(First published in the Karnataka Gazette Extraordinary on the thirtieth day of April, 1993.)

THE KARNATAKA PANCHAYAT RAJ ACT, 1993

(Received the assent of the Governor on thirtieth day of April, 1993.)

An Act to replace the present enactment relating to Panchayats by a comprehensive enactment.

Whereas it is expedient to replace the present enactment by a comprehensive enactment to establish a three-tier Panchayat Raj system in the State with elected bodies at the Gram, Taluka and District levels, in keeping with the Constitution Amendment relating to panchayats for greater participation of the people and more effective implementation of rural development programmes.

Be it enacted by the Karnataka State Legislature in the forty-fourth year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

1. Short title and Commencement.- (1) This Act may be called the Karnataka Panchayat Raj Act, 1993.

(2) It shall come into force on such date as the Government may by notification specify and different dates may be specified for different areas and for different provisions.

2. Definitions.- In this Act, unless the context otherwise requires -

(1) "Assistant Commissioner" means the Assistant Commissioner of a revenue sub-division;

(2) "Backward Classes" means such classes of citizens as may be prescribed for the purpose of reservation of seats and offices in the Zilla Panchayats, Taluk Panchayats and Grama Panchayats from time to time;

(3) "building" includes a house, out-house, shop, stable, warehouse, workshop, canopy, shed, hut or other enclosure whether used as a human dwelling or otherwise and shall include a wall, compound wall, fencing, verandah, platform, plinth doorstep and the like;

(4) "business" includes any trade, commerce or manufacture or an adventure or concern in the nature of trade, commerce or manufacture;

(5) "casual vacancy" means a vacancy occurring otherwise than by efflux of time;

(6) "Chief Executive Officer" means the Chief Executive Officer of the Zilla Panchayat;

(7) "Commissioner" means the Divisional Commissioner or such other officer as may be appointed by the Government to exercise the powers of Commissioner under this Act;

(8) “company” means a company as defined in the Companies Act, 1956 (Central Act 2 of 1956) or a co-operative society registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) and includes any firm or association of individuals carrying on business in the State of Karnataka, whether incorporated or not;

(9) “Deputy Commissioner” means the Deputy Commissioner of the district;

(10) “district” means a revenue district;

(11) “erection or re-erection or enlargement” of any building includes,-

(i) any material alteration or enlargement of any building;

(ii) the conversion, by structural alteration, into a place of human habitation of any building not originally constructed for human habitation;

(iii) the conversion of one or more places of human habitation into a greater number of such places;

(iv) the conversion of two or more places of human habitation into a lesser number of such places;

(v) such alteration of a building as would affect a change in the drainage or sanitary arrangements or materially affect its security;

(vi) the addition of any rooms, buildings, out houses or other structures to any building;

(vii) the conversion, by any structural alteration, into a place of religious worship or into a building used for a sacred purpose of any place or building not originally meant or constructed for such purposes ;

(viii) roofing or covering an open space between walls or buildings, in respect of the structure which is formed by roofing or covering such space;

(ix) conversion into a stall, shop warehouse or godown of any building not originally constructed for use as such or vice versa;

(x) construction of a door in a wall adjoining any street or land not vested in the owner of the wall and opening on such street or land;

(12) "Executive Officer" means an Executive Officer of Taluk Panchayat;

(13) "factory" means besides a factory as defined in the Factories Act, 1948 (Central Act 13 of 1948) any premises including the precincts thereof wherein any industrial manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(14) "Government" means the State Government;

(15) "Grama Panchayat" means the Grama Panchayat established under this Act.

(16) "Grama Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Grama Panchayat;

(17) "Health Officer" means the Health Officer, employed by or on behalf of the Zilla Panchayat and if there is no such officer, the Government Health Officer having jurisdiction over the taluk or district concerned;

(18) "infectious disease" means cerebro-spinal fever, chickenpox, cholera, diphtheria, enteric fever, epidemic influenza, leprosy, measles, plague, rabies, scarlet fever, small-pox, tuberculosis, typhus, yaws or any other disease which the Government may notify in this behalf either

generally throughout the State or in such part or parts thereof as may be specified in the notification;

(19) "land revenue" means all sums and payments received or claimable by or on behalf of the Government, from any person on account of land held by or vested in him as fixed at a survey settlement current in the area in which the land is situated;

(20) "latrine" includes a privy, water-closet and urinal;

(21) "local authority" includes a Municipal Corporation, Municipal Council, Zilla Panchayat, Taluk Panchayat, Grama Panchayat, Sanitary board, Town Board, Notified area Committee, Improvement Board, Urban Development Authority and Planning Authority constituted under this Act or under any law for the time being in force;

(22) "market" means a place for the sale of goods or animal publicly exposed where ordinarily or periodically atleast four shops, stalls or sheds are set up or where atleast ten animals are brought for sale;

(23) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public, or of the people in general, who dwell in the vicinity or of persons who may have occasion to exercise a public right;

(24) "offensive or dangerous trade" means any trade, business or industry dangerous to life, health or property or likely to cause nuisance which is notified by the Government under Section 67;

(25) "occupier" means any person in actual possession of any land or building or part thereof and includes an owner in actual possession, and the tenant or licensee whether such tenant or licensee is liable to pay rent or not;

(26) "offensive matter" includes filth, sewage, dirt, house sweepings, splittings, including chewed betel and tobacco, kitchen or stable refuse, pieces of broken glass or pottery, debris and waste paper;

(27) "owner" includes the person for the time being receiving the rent of any land or building or part thereof, whether on his own account or as agent, receiver or trustee or who would receive rent if the land or building or part thereof were let to a tenant;

(28) "Panchayat area" means any area declared as Panchayat area under Section 4

(29) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(30) "private market" means a market other than a public market;

(31) "public market" means any market owned by a Grama Panchayat or acquired, constructed, maintained or managed by a Grama Panchayat;

(32) "public place" means any place not being private property which is open to the use or enjoyment of the public whether such place is vested in a Grama Panchayat, Taluk Panchayat or Zilla Panchayat or not;

(33) "public street" means any street over which the public have a right of way whether a thoroughfare or not;

(34) "Schedule" means a Schedule annexed to this Act;

(35) "Scheduled Castes and Scheduled Tribes" means the Scheduled Castes and the Scheduled Tribes specified in respect of the State of Karnataka in the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950, for the time being in force;

(36) "Secretary" means the Secretary of the Grama Panchayat;

(37) "Street" includes any highway, causeway, bridge, viaduct, arch, road, land, footway, subway, court, alley or riding path or passage, whether a thoroughfare or not; and when there is a footway as well as carriage way in any street, the said term includes both;

(38) "taluk" means a revenue taluk but excluding there from the limits of a municipal corporation, a municipality, or a sanitary board, town board or notified area committee constituted or continued under any law for the time being in force;

(39) "Taluk Panchayat" means the Taluk Panchayat established under this Act;

(40) "Tahsildar" means the Tahsildar of a revenue taluk;

(41) "vehicle" includes a bicycle, cycle rickshaw, motorcar and every wheeled conveyance which is used or is capable of being used on a public street;

(42) "Village" means a village specified by the Governor by public notification to be village for the purposes of this Act and includes a group of villages so specified;

(43) "Zilla Panchayat" means the Zilla Panchayat established under this Act.

CHAPTER - II

GRAMA SABHA

3. Grama Sabha.- (1) Subject to the general orders of the Government, the Grama Sabha shall meet from time to time but six months shall not intervene between any two meetings. If the Grama Panchayat fails to convene Grama Sabha, the Executive Officer shall convene the Grama Sabha.

(2) The Grama Sabha shall consider the following matters and may make recommendations and suggestions to the Grama Panchayat -

(a) the annual statement of accounts of the Grama Panchayat, the report of administration of the preceding financial year and the last audit note and replies if any, made thereto;

(b) the report in respect of development programmes of the Grama Panchayat relating to the preceding year and development programmes proposed to be undertaken during the current year;

(c) the promotion of unity and harmony among all sections of society in the village;

(d) programme of adult education within the village;

(e) such other matter as may be prescribed.

(3) The Grama Panchayat shall give due consideration to the recommendations and suggestions of the Grama Sabha.

(4) The procedure for convening and conducting the meetings of the Grama Sabha shall be such as may be prescribed.

(5) Every meeting of the Grama Sabha shall be presided over by the Adhyaksha of the concerned Grama Panchayat and in his absence by the Upadhyaksha or any member of the Grama Panchayat.

(6) The Grama Sabha shall perform the following functions, namely

(a) mobilising voluntary labour and contributions in kind and cash for the community welfare programmes;

(b) identification of beneficiaries for the implementation of developmental schemes pertaining to the Village.

Provided that in case the Grama Sabha fails to identify the beneficiaries within a reasonable time, the Executive Officer shall, in consultation with the Grama Panchayat identify the beneficiaries.

(c) rendering assistance in the implementation of developmental schemes pertaining to the village.

CHAPTER - III

CONSTITUTION OF GRAMA PANCHAYATS AND STANDING COMMITTEES

4. Declaration of Panchayat Area and establishment of Grama Panchayats.-

(1) Subject to the general or special orders of the Government, the Deputy Commissioner, if, in his opinion, it is expedient to declare any area comprising a village or group of villages having a population of not less than five thousand and not more than seven thousand to be a Panchayat area, may, after previous publication, declare such area as a Panchayat area for the purposes of this Act and also specify its headquarter;

Provided that the Government may order that an area with a population of not less than two thousand five hundred may be so declared as a Panchayat area in such areas of the districts of Belgaum, Chickmagalur, Dakshina Kannada, Dharwar, Hassan, Kodagu, Shimoga and Uttara Kannada as may be specified by the Government:

Provided further that irrespective of population, wherever it is found necessary, the Government, as a special case, may order that an area within a radius of five kilometers (diameter of ten kilometers) from the centre of a village may be so declared as a Panchayat area in such areas of the districts of Belgum, Chickmagalur, Dakshina Kannada, Dharwar, Hassan, Kodagu, Shimoga and Uttara Kannada as may be specified by the Government:

Provided also that the Deputy Commissioner may, with the previous permission of the Government declare any area comprising a village or group of villages having a population of either less than five thousand or more than seven thousand to be a Panchayat area.

(2) Subject to the general or special orders of the Government and the provisions of this Act, the Deputy Commissioner may, at the request of the Grama Panchayat concerned, or otherwise, and after previous publication of the proposal by notification, at any time,-

(a) increase the area of any Panchayat area by including within such Panchayat area any village or group of villages;

(b) diminish the area of any Panchayat area by excluding from such panchayat area any village or group of villages;

(c) alter the head quarters of any Panchayat area:

(d) alter the name of any Panchayat area; or

(e) declare that any area shall cease to be a Panchayat area.

(3) The commissioner may either on an application made within thirty days from the date of the notification by any person aggrieved by such notification, or *suo moto*, and after giving a reasonable opportunity of being heard to the applicant or the Grama Panchayat concerned revise the orders of the Deputy Commissioner under sub-section (1) or sub section (2) and may also if he considers necessary, modify it as provided in the third proviso to sub-section (1). Every order so passed revising or modifying the order of the Deputy Commissioner shall be published in the Official Gazette.

(4) In every Panchayat area declared as such under this section, there shall be established a Grama Panchayat.

5. Constitution of Grama Panchayat.- (1) The Grama Panchayat shall consist of such number of elected members as may be notified from time to time by the Deputy Commissioner, at the rate of one member for every four hundred population or part thereof of the Panchayat area;

Provided that the determination of the number as aforesaid shall not affect the then composition of the Grama Panchayat until the expiry of the term of office of the elected members then in office.

- (2) Seats shall be reserved in a Grama Panchayat,-
- (a) for the Scheduled Castes; and
 - (b) for the Scheduled Tribes;

and the numbers of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats in the Grama Panchayat as the population of the Scheduled Castes in the Panchayat area or of the Scheduled Tribes in the Panchayat area, bears to the total population of the Panchayat area:

Provided that such reservation shall not be less than fifteen percent of the total number of seats in the Grama Panchayat in the case of Scheduled Castes and not less than three per cent in the case of Scheduled Tribes.

(3) Such number of seats which shall, as nearly as may be one third of the total number of seats of the Grama Panchayat shall be reserved for persons belonging to the Backward classes.

(4) Not less than one third of the seats reserved in each category, for persons belonging to the Scheduled castes, Scheduled Tribes and Backward classes and of the non-reserved seats in the Grama Panchayat shall be reserved for women:

Provided that the seats reserved under sub-sections (2), (3) and (4) shall be allotted by rotation to different constituencies in the panchayat area:

Provided further that nothing contained in this section shall be deemed to prevent a women or a person belonging to the Scheduled Castes and Scheduled Tribes

or backward Classes for whom seats have been reserved in a Grama Panchayat from standing for election to any non-reserved seat in such Grama Panchayat.

(5) Subject to the provisions of sub-sections (2), (3) and (4), the Deputy Commissioner shall, by notification, determine,-

(a) the Constituencies into which the area within the jurisdiction of every Grama Panchayat shall be divided for the purpose of elections to every Grama Panchayat;

(b) the extent of each Constituency;

(c) the number of seats if any reserved for the Scheduled Castes, the Scheduled Tribes, Backward classes or women in each Constituency; and

(d) the number of seats allotted to each Constituency which shall be one or more.

(6) If for any reason the election to any Grama Panchayat does not result in the election of the required number of members as specified in sub-section (1), the Deputy Commissioner shall, within one month from the date on which the names of the elected members are published by him under sub-section (8) arrange another election for the election of such number of members as will make up the required number.

(7) Notwithstanding anything contained in sub-sections (1) and (6), but subject to any general or special orders of the Government, where two-thirds of the total number of members of any Grama Panchayat have been elected, the Grama Panchayat shall be deemed to have been duly constituted under this Act.

(8) The Deputy Commissioner shall publish, in the prescribed manner the names of members elected or deemed to have been duly elected.

6. Incorporation of Grama Panchayat.- Every Grama Panchayat shall be a body corporate by the name of the "—————Grama Panchayat" and shall have perpetual succession and a common seal, and subject to such

restrictions as are imposed by or under this Act or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, whether without or within the limits of the area over which it has authority, of entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

7. Method of voting and procedure for election .- (1) Every voter shall have as many votes as there are members to be elected for the constituency. No voter shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, elections to the Grama Panchayat shall be held by ballot on non-party basis in accordance with such rules as may be prescribed.

8. Appointment of an Administrative Committee or Administrator on failure to elect members of Grama Panchayats.-

(1) (a) If the Deputy Commissioner is satisfied that a Grama Panchayat for a village or group of villages immediately after the establishment of such Grama Panchayat cannot be constituted by reason of.-

(i) any difficulty in holding an election of the members of the Grama Panchayat; or

(ii) failure to elect such members at two successive elections held under sub-section (6) of section 5; or

(iii) any other sufficient reason whatsoever; or

(b) if at any general election to a Grama Panchayat no member is elected or less than two third of the total number of members are elected;

the Deputy Commissioner shall by notification either

(i) appoint an Administrative Committee consisting of persons qualified to be elected, the number of such persons being equal to the number of member determined under sub-section (1) of section 5, or

(ii) appoint an Administrator.

(2) The members of the Administrative Committee or the Administrator shall hold office for such period not exceeding six months as the Deputy Commissioner may specify in the notification under sub-section (1).

(3) On the appointment of an Administrative Committee or an Administrator under sub-section (1), the persons if any, chosen as members of the Grama Panchayat before such appointment shall cease to be members of the Grama Panchayat and all the powers and duties of the Grama Panchayat shall be exercised and performed by such Administrative Committee or Administrator.

(4) The Administrative Committee or Administrator shall be deemed to be a duly constituted Grama Panchayat for the purpose of this Act, notwithstanding anything contained in the foregoing provisions;

Provided that if at any time after the appointment of the Administrative Committee or the Administrator under sub-section (1) the Deputy Commissioner is satisfied that there is no difficulty in duly constituting the Grama Panchayat by election of members, the Deputy Commissioner, may, notwithstanding that the term of office for which the members of the Administrative Committee or the Administrator had been appointed has not expired, direct by notification that the members of the Administrative Committee or the Administrator, as the case may be, shall cease to hold office with effect from such date as may be specified in such notification.

9. Right to Vote :

(a) Every person whose name appears in the voters list relating to a constituency shall, subject to the other provisions of the Act be entitled to vote at any election which takes place in that constituency while the voters list remains in force and no person whose name does not appear in such voters list shall vote at any such election.

(b) No person shall vote at an election under this Act in more than one constituency or more than once in the same Constituency and if he does so, all his votes shall be invalid.

10. List of voters.-

(1) Subject to the provisions of sub-section (2) the electoral roll of the Zilla Panchayat for the time being in force for such part of the constituency shall be deemed to be the list of voters for such Grama Panchayat constituency.

(2) No amendment, transposition or deletion of any entry in the electoral roll of the Zilla Panchayat made after the last date of making nominations for an election in any Grama Panchayat constituency and before the completion of such election shall form part of the list of voters for such election for the purpose of this section.

(3) The Secretary of the Grama Panchayat or when there is no Secretary such officer as may be authorised by the Deputy Commissioner, shall maintain in the prescribed manner a list of voters for each Grama Panchayat constituency.

11. Qualification for membership.- Every person whose name is in the list of voters of any Grama Panchayat constituency shall, unless disqualified under this Act or under any other law for the time being in force, be qualified to be elected as a member of the Grama Panchayat:

Provided that in the case of seats reserved for the Scheduled Castes or Scheduled Tribes or Backward Classes and women, no person who is not a member of any of the Scheduled Castes or Scheduled Tribes or Backward Classes or is not a woman, as the case may be, shall be qualified to be elected to such seat.

12. Disqualification for members .- A person shall be disqualified for being chosen and for being a member of a Grama Panchayat,-

(a) if he is so disqualified by or under any law for the time being in force for the purposes of the election to the State Legislatures:

Provided that no person shall be disqualified on the ground that he is less than twenty five years, if he has attained the age of twenty-one year.

(b) if he has been sentenced by a criminal court to imprisonment for a term exceeding three months in respect of an offence under the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), such sentence not having been subsequently reversed or quashed or the offence pardoned; or

(c) if an order has been passed against him under section 117 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) in proceedings instituted under section 110 of the Code, such order not having been subsequently reversed or quashed; or

(d) if he has been dismissed from service under any local authority; or

(e) if, having been a legal or medical practitioner or a chartered accountant he has been disenrolled or suspended by order of a competent authority, the disqualification in the latter case being operative during the period of such suspension; or

(f) if he has been removed from membership of any local authority; or

(g) if he holds any office of profit under any local or other authority subject to the control of the Central Government, the State Government or the Government of any other State, other than such offices as are declared by rules made under this Act not to disqualify the holder; or

Explanation: (1) For the purpose of this clause, a person shall not be deemed to hold an office of profit under the Grama Panchayat by reason only that he is an Adhyaksha or Upadhyaksha of the Grama Panchayat.

(h) if, save as hereinafter provided he has directly or indirectly any share or interest in any work done by order of the Grama Panchayat, or in any contract or employment with, or under, or by, or on behalf of, the Grama Panchayat; or

(i) if he is employed as paid legal practitioner on behalf of the Grama Panchayat or accepts employment as legal practitioner against the Grama Panchayat; or

(j) if arrears of any kind are due by him to the Grama Panchayat under this Act:

Provided that-

(a) the disqualification in clause (c) will cease to operate after the expiry of the period during which a person is ordered to furnish security;

(b) the disqualification in clauses (b), (d), or (e) will cease to operate after the expiry of five years from the date of such sentence or dismissal, or disenrollment or earlier by an order of the Government.

(c) the disqualification in clause (f) will cease to operate after the expiry of five years from the date of such removal;

(d) a person shall not be deemed to have incurred disqualification under clause (h) by reason of his,-

(i) having a share in any joint stock company or a share or interest in any association registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or in any co-operative society, which shall contract with or be employed by or on behalf of the Grama Panchayat; or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Grama Panchayat is inserted; or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Grama Panchayat.

13. Vacation of Seat by members.- (1) If a member of a Grama Panchayat,-

(a) is or becomes subject to any of the disqualifications mentioned in Section 12; or

(b) Votes or takes part in discussion in contravention of the provisions of sub-section (4) of Section 53; or

(c) absents himself for more than three consecutive ordinary meetings of the Grama Panchayat without the leave of the Grama Panchayat or is absent from the Panchayat area for more than four consecutive months;

his seat shall be deemed to be or to have become, as the case may be vacant:

Provided that where an application is made by a member to the Grama Panchayat for leave to absent himself and the Grama Panchayat fails to inform the applicant of its decision on the application within a period of one month from the date of the application, the leave applied for shall be deemed to have been granted by the Grama Panchayat.

(2) If any question arises as to whether a person is, or has become subject to disqualification under sub section (1), the Assistant Commissioner may either *suo moto* or on

a report made to him and after giving an opportunity to the person concerned of being heard, decide the question.

14. Prohibition of simultaneous membership.- (1) If a person is elected by more than one Grama Panchayat constituency, he shall by notice in writing signed by him and delivered to the Deputy Commissioner within the prescribed time, choose any one of the constituencies which he shall serve and the choice shall be final.

(2) If the person does not make the choice referred to in sub-section (1), the Deputy Commissioner shall determine by lot and notify the constituency which such person shall serve.

(3) The said person shall be deemed to have been elected only for the constituency so chosen or notified, as the case may be, and the vacancy or vacancies thereby arising in respect of the other constituency or constituencies shall be filled by election.

15. Election petition.- (1) No election to fill a seat or seats in a Grama Panchayat shall be called in question except by an election petition presented on one or more of the grounds specified in sub-section (1) of Section 19 and Section 20 to the Munsiff within whose territorial jurisdiction the Panchayat area concerned or the major portion of the Panchayat area concerned is situated by any candidate at such election or by any voter qualified to vote at such election together with a deposit of five hundred rupees as security for costs, within thirty days from, but not earlier than, the date of declaration of the result of the election of the returned candidate at the election, and if the dates of declaration of the results of their election are different, the last of those dates.

(2) A petitioner shall join as respondents to his petition.-

(a) where the petitioner, in addition to claiming a declaration that the election of all or any of the returned

candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates; and

(b) any other candidate against whom allegation of any corrupt practice are made in the petition.

(c) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

Explanation.- The expression "returned candidate" means a candidate who has been declared as duly elected.

16. Contents of the Petition and relief that may be claimed.-

(1) An election petition.-

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the verification of pleadings:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

(3) A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidate is void, claim a further declaration that he himself or any other candidate has been duly elected.

17. Trial of election petition.- (1) The Munsiff shall dismiss an election petition which does not comply with the provisions of section 15.

Explanation.- An order of the Munsiff dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of sub-section (1) of section 18.

(2) Where more election petitions than one are presented to the Munsiff in respect of the same election the Munsiff may, try them separately or in one or more groups.

(3) Any candidate not already a respondent shall, upon application made by him to the Munsiff within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the Munsiff, be entitled to be joined as a respondent.

Explanation.- For the purpose of this section, a trial of petition shall be deemed to commence on the date fixed for the respondents to appear before the Munsiff and answer the claim or claims made in the petition.

(4) The Munsiff, may upon such terms as to costs and otherwise as he may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in his opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition, which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

(5) The trial of election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial, be continued from day to day until its conclusion, unless the Munsiff finds the adjournment of trial beyond the following day to be necessary for reasons to be recorded.

(6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the Munsiff for trial.

(7) Subject to the provisions of this Act every election petition shall be tried by the Munsiff, as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) to the trial of suits:

Provided that the Munsiff shall have discretion to refuse for reasons to be recorded in writing, to examine any witness or witnesses if he is of the opinion that their evidence is not material for the decision of petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(8) The provisions of the Indian Evidence Act, 1872 shall subject to the provisions of this Act be deemed to apply in all respects to the trial of an election petition.

(9) Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of the election petition on the grounds that it is not duly stamped or registered.

18. Decision of the Munsiff.- (1) At the conclusion of the trial of an election petition the Munsiff shall make an order.-

(a) dismissing the election petition; or

(b) declaring the election of all or any of the returned candidates to be void; or

(c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidates to have been duly elected.

(2) At the time of making an order under sub-section (1) the Munsiff shall also make an order.-

(a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording,-

(i) a finding whether any corrupt practice has or has not been proved to have been committed at the election and the nature of that corrupt practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and

(b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid:

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless,-

(i) he has been given notice to appear before the Munsiff and to show-cause why he should not be so named; and

(ii) if he appears in pursuance of the notice, he has been given an opportunity of cross examining any witness who has already been examined by the Munsiff and has given evidence against him, of calling evidence in his defence and of being heard.

19. Grounds for declaring election to be void.- (1) Subject to the provisions of sub-section (2) if the Munsiff is of opinion,-

(a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen as a member under this Act; or

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent; or

(c) that any nomination paper has been improperly rejected; or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected,-

(i) by the improper acceptance of any nomination; or

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent; or

(iii) by the improper reception, refusal or rejection of any vote or reception of any vote which is void; or

(iv) by any non-compliance with the provisions of this Act or of any rules or orders made thereunder;

the Munsiff shall declare the election of the returned candidate to be void.

(2) If in the opinion of the Munsiff, any agent of a returned candidate has been guilty of any corrupt practice, but the Munsiff is satisfied,-

(a) that no such corrupt practice was committed at the election by the candidate and every such corrupt practice was committed contrary to the orders and without the consent of the candidate.

(b) that the candidate took all reasonable measures for preventing the commission of corrupt practices at the election, and

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agent;

then the Munsiff may decide that the election of the returned candidate is not void.

20. Grounds on which a candidate other than the returned candidate may be declared to have been elected.- (1) If any person who has filed an election petition has, in addition to calling in question the election of the returned candidate, claims a declaration that he himself or any other candidate has been duly elected and the Munsiff is of opinion.-

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes;

the Munsiff shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected.

(2) The decision of the Munsiff shall be final.

21. Procedure in case of equality of votes.- If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then the Munsiff shall decide between them by lot and proceed as if the one on whom the lot falls had received an additional vote.

22. Corrupt practices.- The following shall be deemed to be corrupt practices for the purposes of this Act, namely.-

(i) bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (Central Act 48 of 1951) for the time being in force;

(ii) undue influence as defined in clause (2) of the said section for the time being in force;

(iii) the appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of or appeal to national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate;

(iv) the promotion of or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the election of that candidate or for prejudicially affecting the election of any candidate;

(v) the publication by a candidate or his agent or by any other person, with the consent of candidate or his agent of any statement of facts which is false, and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidature, being a statement reasonably calculated to prejudice the prospects of that candidate's election;

(vi) the hiring or procuring, whether on payment or otherwise, any vehicle, or vessel by a candidate or his agent or by any other person with the consent of a candidate or his agent, or the use of such vehicle or vessel for the free conveyance of any voter (other than the candidate himself,

the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act:

Provided that the use of any public transport vehicle or vessel or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.- In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise whether used for the drawing of other vehicles or otherwise.

(vii) the holding of any meeting at which intoxicating liquors are served;

(viii) the issuing of any circular, placard or poster having reference to the election which does not bear the name and address of the printer and publisher thereof;

(ix) any other practice which the Government may by rule specify to be a corrupt practice.

23. Order as to corrupt practices.- The corrupt practices referred to in section 22 shall entail disqualification for membership of any local authority for a period of five years counting from the date on which the finding of the Munsiff as to such practices takes effect under this Act.

24. Communication of Orders.- The Munsiff shall after announcing the orders made under sections 18 and 19 send a copy thereof to the Deputy Commissioner.

25. Fresh election if a seat become vacant.- If the seat of any member has become vacant or is deemed to have become vacant under section 13, a fresh election for the vacancy so caused shall be held in accordance with the provisions of this act.

26. Prohibition of canvassing in or near polling station.- (1) No person shall, on the date or dates on which a poll is taken in any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely.-

- (a) canvassing for votes; or
- (b) soliciting the vote of any voter; or
- (c) persuading any voter not to vote for any particular candidate; or
- (d) persuading any voter not to vote at election; or
- (e) exhibiting any notice or sign (other than an official notice relating to the election).

(2) Any person who contravenes the provisions of sub section (1) shall, on conviction, be punished with fine which may extend to rupees five hundred.

(3) An offence punishable under this section shall be cognizable.

27. Penalty for disorderly conduct in or near polling stations.-

(1) No person shall on the date or dates on which a poll is taken at any polling station,-

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes or willfully aids or abets the contravention of the provisions of sub-section (1) shall, on conviction, be punished with imprisonment which may extend to three months or with fine or with both.

(3) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

28. Penalty for misconduct at polling station.- (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the Presiding Officer, may be removed from the polling station by the Presiding Officer or by any police officer on duty or by any person authorised in this behalf by such Presiding Officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the Presiding Officer, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

29. Maintenance of secrecy of voting.- (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at any

election shall maintain and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine or with both.

30. Officers etc. at elections not to act for candidate or influence voting.- (1) No person who is a Returning Officer or a Presiding Officer or a Polling Officer at any election or any officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act (other than the giving of a vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavor,-

(a) to persuade any person to give his vote at an election; or

(b) to dissuade any person from giving his vote at an election; or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(4) An offence punishable under sub-section (2) shall be cognizable.

31. Breaches of official duty in connection with elections.- (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) An offence under sub-section (1) shall be cognizable.

(3) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(4) The persons to whom this section applies are the returning officers, Presiding Officers, Polling Officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purpose of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

32. Removal of ballot papers from polling stations to be an offence.- (1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or willfully aids or abets the doing of any such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine or with both.

(2) If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the Presiding Officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

33. Other offences and penalties thereof.- (1) A person shall be guilty of an offence if at any election, he,-

(a) fraudulently defaces, or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other documents affixed by or under the authority of a Returning Officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or willfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall.-

(a) if he is a Returning Officer or Presiding Officer of a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purpose of this section, a person shall be deemed to be an official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act in connection with such election.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

34. Promotion of enmity between classes in connection with election.- Any person who in connection with an election under this Act, promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall, on conviction, be punished with imprisonment for a term which may extend to three years, or with fine or with both.

35. Prohibition of public meetings on the day preceding the election day and on the election day.- (1) No person shall convene, hold or attend any public meeting, within any polling area within forty eight hours before the commencement of the poll or on the date or dates on which poll is taken for an election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

36. Powers of Deputy Commissioner to prohibit fairs etc., on election day.- The Deputy Commissioner may, in order to ensure free and fair election, prohibit any fair (including cattle fairs) or shandies in a Panchayat area on the day of election to the Grama Panchayat of such area.

37. Disturbance at election meetings.- (1) Any person who at a public meeting held in connection with an election under this Act, acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails to so declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

38. Restrictions on the printing of pamphlets, posters, etc.-

(1) No person shall print or publish, or cause to be printed or published any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster.-

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known is delivered by him to the printer in duplicate; and

(b) unless within a reasonable time after the printing of the documents, one copy of the declaration is sent

by the printer, together with one copy of the document to the District Magistrate.

(3) For the purpose of this section.-

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(b) election pamphlet or poster means any printed pamphlet, hand bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election but does not include any hand bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

39. Penalty for illegal hiring or procuring of conveyance at election.- If any person is guilty of any such corrupt practice as is specified in clause (vi) of section 22 at or in connection with an election, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

40. Prosecution in certain offences.-No court shall take cognizance of an offence punishable under clause (a) of sub-section (2) of section 33, unless there is a complaint made by an order of or under authority from the Deputy Commissioner.

41. Term of office.- The members of a Grama Panchayat shall, save as otherwise provided in this Act, hold office for a term of five years.

42. Commencement of term of office.- (1) The term of office of the members elected at a general election or at a second election held under sub-section (6) of section 5, shall commence on the date appointed for the first meeting of the Grama Panchayat.

(2) The term of office of a member elected under section 5 to fill a casual vacancy shall commence on the date of publication of his name under sub-section (8) of section 5.

43. Resignation of member.- A member of a Grama Panchayat may resign his membership in writing under his hand addressed to the Adhyaksha and his seat shall become vacant on the expiry of fifteen days from the date of the receipt of such resignation, unless within the said period of fifteen days he withdraws such resignation by writing under his hand addressed to the Adhyaksha.

44. Election of Adhyaksha and Upadhyaksha.- (1) Every Grama Panchayat shall, as soon as may be, choose two members of the Grama Panchayat to be respectively Adhyaksha and Upadhyaksha. In the event of occurrence of any vacancy by reason of death, resignation, removal or otherwise in the office of Adhyaksha or Upadhyaksha, the Grama Panchayat shall choose another member to be the Adhyaksha or the Upadhyaksha, as the case may be.

(2) Subject to the general or special order of the Government, the Deputy Commissioner shall reserve.-

(a) such number of offices of Adhyaksha and Upadhyaksha of Grama Panchayats in the State for the Scheduled Castes and Scheduled Tribes and the number of such offices bearing as nearly as may be the same proportion to the total number of the offices in the State as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided that such reservation shall not be less than fifteen per cent of the total number of offices of Adhyakshas and Upadhyakshas in the State in the case of Scheduled Castes and not less than three per cent in the case of Scheduled Tribes.

(b) Such number of offices of Adhyakshas and Upadhyakshas of the Grama Panchayats, which shall as nearly as may be, one-third of the total number of office of Adhyaksha and Upadhyaksha in the State for the persons belonging to the Backward Classes.

(c) not less than one third of the total number of offices of Adhyaksha and Upadhyaksha of Grama Panchayats in the State from each of the categories which are reserved for persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and of those which are non-reserved, for women :

Provided further that the offices reserved under this sub-section shall be allotted by rotation to different Grama Panchayats.

Explanation.- For the removal of doubts it is hereby declared that the principle of rotation for purposes of reservation of offices under this section shall commence from the first election to be held after the commencement of the Karnataka Panchayat Raj Act, 1993.

45. Procedure for election of Adhyaksha and Upadhyaksha on the establishment of Grama Panchayat etc.- (1) On the establishment of Grama Panchayat for the first time under this Act, or on its reconstitution or establishment under section 302 or on its reconstitution on the expiry of the term of the members of Grama Panchayat, a meeting of the Grama Panchayat shall be called immediately by the prescribed officer who shall himself preside over the meeting, but shall have no right to vote, and in such meeting Adhyaksha and Upadhyaksha shall be elected.

(2) Any dispute relating to the validity of the election of a Adhyaksha or Upadhyaksha of Grama

Panchayat under this Act shall be decided by the prescribed judicial officer having jurisdiction over the Panchayat area, or the major portion of the Panchayat area, whose decision thereon shall be final.

46. Term of Office and conditions of service of Adhyaksha and Upadhyaksha.-The term of office of every Adhyaksha and every Upadhyaksha of the Grama Panchayat shall, save as otherwise provided in this Act, cease on the expiry of his term of office as a member of the Grama Panchayat.

(2) Salary and other conditions of service of Adhyaksha and Upadhyaksha shall be as prescribed.

47. Appointment of Adhyaksha during vacancy in the office.- During a vacancy in the office of the Adhyaksha of the Grama Panchayat, the Upadhyaksha and when there is no Upadhyaksha, an officer appointed by the Deputy Commissioner shall exercise the powers and perform the duties of the Adhyaksha until an Adhyaksha is duly elected.

48. Resignation or Removal of Adhyaksha or Upadhyaksha.- (1) The Adhyaksha of the Grama Panchayat may resign his office by writing under his hand addressed to the Assistant Commissioner and the Upadhyaksha of the Grama Panchayat may resign his office by writing under his hand addressed to the Adhyaksha and in the absence of the Adhyaksha to the Assistant Commissioner.

(2) Every Adhyaksha or Upadhyaksha of the Grama Panchayat shall vacate his office if he ceases to be a member of the Grama Panchayat.

(3) Every resignation under sub-section (1) Shall take effect on the expiry of ten days from the date of its receipt by the Assistant Commissioner or the Adhyaksha, as the case may be, unless within the period of ten days he withdraws such resignation by writing under his hand addressed to the Assistant Commissioner or the Adhyaksha, as the case may be.

(4) Every Adhyaksha and Upadhyaksha of Grama Panchayat shall, after an opportunity is afforded for hearing him, be removable from his office as Adhyaksha or Upadhyaksha by the Commissioner for being persistently remiss in the discharge of his duties and an Adhyaksha or Upadhyaksha so removed who does not cease to be a member under sub-section (2) shall not be eligible for re-election as Adhyaksha or Upadhyaksha during the remaining term of office as member of such Grama Panchayat.

(5) An Adhyaksha or Upadhyaksha removed from his office under sub-section (4) may also be removed by the Commissioner from membership of the Grama Panchayat.

49. Motion of no-confidence against Adhyaksha or Upadhyaksha of Grama Panchayat.- Every Adhyaksha or Upadhyaksha of Grama Panchayat shall forthwith be deemed to have vacated his office if a resolution expressing want of confidence in him is passed by a majority of not less than two thirds of the total number of members of the Grama Panchayat at a meeting specially convened for the purpose in accordance with the procedure as may be prescribed :

Provided that no such resolution shall be moved unless notice of the resolution is signed by not less than one third of the total number of members and at least ten days notice has been given of the intention to move the resolution :

50. Procedure at meetings.- The procedure at a meeting of the Grama Panchayat shall be as prescribed.

51. Casual Vacancies.- A casual vacancy in the office of the Adhyaksha or Upadhyaksha or member of the Grama

Panchayat shall be filled by election of an Adhyaksha or Upadhyaksha or member who shall hold office so long as the Adhyaksha, Upadhyaksha or member in whose place he has been elected would have held office, if the vacancy had not occurred.

52. Meeting of the Grama Panchayat.- (1) A Grama Panchayat shall meet for the transaction of business at least once in two months at the office of the Grama Panchayat and at such time as the Adhyaksha may determine.

(2) The Adhyaksha may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members and on a date within fifteen days from the receipt of such request, call a special meeting.

(3) Seven clear days notice of an ordinary meeting and three clear days notice of a special meeting specifying the place, date and time of such meeting and the business to be transacted there at, shall be given by the Secretary of the Grama Panchayat to the members and such officers as the Government may prescribe, and affixed on the notice board of the Grama Panchayat.

(4) The officers to whom notice is given under subsection (3) and other Government officers having jurisdiction over the Panchayat area or any part thereof shall be entitled to attend every meeting of the Grama Panchayat and take part in the proceedings but shall not be entitled to vote.

(5) If the Adhyaksha fails to call a special meeting as provided in sub-section (2), the Upadhyaksha or one-third of the total number of members may call such a meeting for a day not more than fifteen days after the presentation of such request and require the Secretary of the Grama Panchayat to give notice to the members and to take such action as may be necessary to convene the meeting.

53. Quorum and Procedure.- (1) The quorum for a meeting of the Grama Panchayat shall be one-third of the total number of members. If at the time appointed for the meeting a quorum is not present, the presiding authority shall wait for thirty minutes, and if within such period there is no quorum, the presiding authority shall adjourn the meeting to such time on the following day or such future day as he may fix. He shall similarly after waiting for thirty minutes adjourn the meeting if at any time after it has begun, attention is drawn to the want of a quorum. A notice of the meeting so fixed shall be pasted in the office of the Grama Panchayat. The business which could not be considered at the meeting so postponed for want of quorum, shall be brought before and disposed of at the meeting so fixed or at any subsequent adjourned meeting at which there is a quorum.

(2) Save as otherwise provided by or under this Act, at every meeting of Grama Panchayat, the Adhyaksha or in his absence the Upadhyaksha shall preside, and in the absence of both, the members present shall choose one from amongst themselves to preside for the occasion.

(3) All questions shall, unless otherwise specifically provided, be decided by a majority of votes of the members

present and voting. The Adhyaksha or Upadhyaksha or person presiding, as the case may be, unless he refrains from voting shall give his vote before declaring the number of votes for and against a question and in the case of equality of votes he may give his casting vote.

(4) No member of a Grama Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of a Grama Panchayat, if the question is one in which, apart from its general application to the public, he has any pecuniary interest, and if the person presiding has such an interest, he shall not preside over the meeting when such question comes up for consideration.

(5) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion or vote on or take part in it. Any member of the Grama Panchayat may be chosen to preside at the meeting during the continuance of such discussion.

(6) A sitting fee of twenty rupees per day of sitting shall be paid to each member for attending the meeting of the Grama Panchayat or any committee thereof.

54. Modification or cancellation of resolution.- No resolution of a Grama Panchayat shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting, notice whereof shall have been given fulfilling the requirements of sub-section (3) of section 52 setting forth

fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

55. Minutes.- (1) Minutes shall be kept of the names of the members and of the officers, if any, present, and of the proceedings at each meeting of the Grama Panchayat and if any member present at the meeting so desires, of the names of the members voting respectively for or against any resolution, in a book to be provided for the purpose and after they are read over and agreed to shall be signed by the Adhyaksha or Upadhyaksha or person presiding at such meeting, and shall at all reasonable times be open to inspection by any member of the Grama Panchayat. Any person may inspect the copy of the minutes of the meeting. The minutes books shall always be kept in the office of the Grama Panchayat and shall be in the custody of the Secretary of the Grama Panchayat.

(2) A copy of every resolution passed by the Grama Panchayat shall within ten days from the date of meeting, be forwarded by the Secretary to the Executive Officer.

56. Interpellations and resolutions.- (1) Any member may call the attention of the Adhyaksha to any neglect in the execution of the Grama Panchayat work, to any waste of Grama Panchayat property or to the wants of any locality and may suggest any improvements which may appear desirable.

(2) Every member shall have a right to move resolutions and to interpellate the Adhyaksha on matters connected with the administration of the Grama Panchayat, subject to such rules as may be prescribed.

57. Validity of proceedings.- (1) No disqualification of or defect in the election or appointment of any person acting as member, or as the Adhyaksha of the Grama Panchayat or Chairman or member of a committee of a Grama Panchayat constituted under this Act shall be deemed to vitiate any act or proceeding of the Grama Panchayat or any such committee, as the case may be, in which such person has taken part whenever the majority who were parties to such act or proceeding were entitled to act.

(2) No resolution of a Grama Panchayat or of any Committees of a Grama Panchayat constituted under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any member, provided that the proceedings of the Grama Panchayat or committee were not prejudicially affected by such irregularity.

(3) Until the contrary is proved, every meeting of a Grama Panchayat or of a committee of a Grama Panchayat constituted under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified, and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal matters referred to in the minute.

(4) During any vacancy in a Grama Panchayat or Committee of a Grama Panchayat, the continuing members may act as if no vacancy had occurred.

CHAPTER-IV

FUNCTIONS, DUTIES AND POWERS OF GRAMA PANCHAYATS, ADHYAKSHA AND UPADHYAKSHA.

58. Functions of the Grama Panchayat.- (1) Subject to such conditions as may be specified by the Government from time to time, the Grama Panchayat shall perform the functions specified in Schedule I.

(2) The Grama Panchayat may also make provision for carrying out within the Panchayat area any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well being of the inhabitants of the Panchayat area.

(3) The Grama Panchayat may, by a resolution, passed at its meeting and supported by two-thirds of its total number of members and with the prior approval of the Taluk Panchayat.-

(a) make provision for or make contribution towards, any exhibition, conference or seminar within or outside the Panchayat area but within the district; or

(b) make contribution to any medical, educational or charitable institutions or any other institutions of public utility, within the Panchayat area which are registered under the Karnataka Societies Registration Act, 1961, Karnataka Co-operative Societies Act, 1959 or under any other law for the time being in force.

59. Assignment of functions.- (1) The Government may, by notification and subject to such conditions as may be specified therein.-

(a) transfer to any Grama Panchayat the management and maintenance of a forest situated in the Panchayat area ;

(b) make over to the Grama Panchayat the management of waste lands, pasture lands or vacant lands belonging to the Government situated within the Panchayat area :

(c) entrust the Grama Panchayat with the collection of land revenue on behalf of the Government and the maintenance of such records as are connected therewith ;

(d) entrust such other functions as may be prescribed :

Provided that no entrustment under clause (c) shall be made without the concurrence of the Grama Panchayat concerned:

Provided further that when any transfer of the management and maintenance of a forest is made under clause (a) the Government shall direct that any amount required for such management and maintenance or an adequate portion of the income from such forest be placed at the disposal of the Grama Panchayat.

(2) The Government may, by notification, withdraw or modify the functions assigned under this section.

60. General powers of the Grama Panchayat.- Grama Panchayat shall have powers to do all acts necessary for or incidental to the carrying out of the functions entrusted, assigned or delegated to it and in particular and without prejudice to the foregoing powers, to exercise all powers specified under this Act.

61. Standing Committees.- (1) Every Grama Panchayat shall constitute the following committees by election.-

(i) a Production Committee for performing functions relating to agricultural production, animal husbandry and rural industries and poverty alleviation programmes;

(ii) a Social Justice Committee for performing functions relating to,-

(a) promotion of Educational, Economic, Social, Cultural and other interests of the Scheduled Castes and Scheduled Tribes and Backward Classes ;

(b) protection of such castes and classes from social injustice and any form of exploitation ;

(c) welfare of women and children ;

(iii) an Amenities Committee to perform functions in respect of Education, Public health, Public works and other functions of the Grama Panchayat.

(2) (a) Each Committee shall consist of not less than three and not more than five members including the Adhyaksha and Upadhyaksha as the case may be. The Adhyaksha shall be the *ex-officio* member and Chairman of Production Committee and Amenities Committee. The Upadhyaksha shall be the *ex-officio* member and Chairman of the Social Justice Committee.

Provided that the Social Justice Committee shall consist of at least one member who is a woman and one member belonging to the Scheduled Castes or Scheduled Tribes.

(b) Each Committee shall be competent to co-opt in such manner as may be prescribed, members of Farmers clubs, Mahila Mandals, Yuvak mandals and other similar bodies recognised by the Government. A representative of Co-operative Societies in the Panchayat area shall be co-opted to the Production Committee. The rights and liabilities of the co-opted members shall be such, as may be prescribed.

(3) The standing Committees shall perform the functions referred to above to the extent the powers are delegated to them by the Grama Panchayat.

62. Powers and duties of the Adhyaksha and Upadhyaksha.- (1) The Adhyaksha of the Grama Pan-

chayat shall, in addition to the powers exercisable under any other provision of this Act or rules made thereunder.-

(a) convene meetings of the Grama Panchayat,

(b) have access to the records of the Grama Panchayat, and

(c) exercise supervision and control over the acts of the officers and employees of the Grama Panchayat.

(2) The Adhyaksha may, if in his opinion the immediate execution of any work or the doing of any act which requires the sanction of a committee or of the Grama Panchayat, is necessary in public interest convene a meeting for the purpose with a notice of twenty four hours.

(3) The Upadhyaksha of the Grama Panchayat shall exercise the powers and perform the duties of the Adhyaksha when the Adhyaksha is absent, on leave or is incapacitated from functioning.

63. Power of Grama Panchayat as to roads, bridges etc.- All village roads and bridges thereon, cart tracks, drain, well and other public places in the Panchayat area not being private property and not being under the control or management of Zilla Panchayat, Taluk Panchayat, Municipal Council, Town Area Committee or Notified Area Committee, or the Government, shall vest in the Grama Panchayat and the Grama Panchayat may do all things necessary for the maintenance and repair thereof, and may -

(a) lay-out and make new roads;

(b) construct new bridges;

(c) widen, open, enlarge or otherwise improve any such roads or bridges;

(d) with the previous sanction of the Taluk Panchayat divert, discontinue or close any road or bridge; and

(e) deepen or otherwise improve any water way :

Provided that no road or bridge shall be diverted, discontinued or closed before the Grama Panchayat publishes its intention of doing so and calls for objections and obtains the approval of the Taluk Panchayat to which a copy of the resolution of the Grama Panchayat and the objections thereto shall be forwarded.

64. Regulation of the erection of buildings.-(1)

Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Grama Panchayat. The permission may be granted on payment of such fees as may be specified by bye-laws.

(2) If the Grama Panchayat does not, within sixty days from the receipt of the application determine whether such permission should be given or not and communicate its decision to the applicant, such permission shall be deemed to have been given and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or bye-laws made under this Act.

(3) Whenever any building is erected, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under sub-section (1) or any conditions imposed by the permission granted, the Grama Panchayat may, whether any action is taken or not against such person under section 298,-

(a) direct that the building, alteration or addition be stopped : or

(b) by written notice require within a reasonable period to be specified therein, such building, alteration or addition to be altered or demolished as it may deem necessary for the promotion of public health or the prevention of danger to life or property.

(4) In the event of non-compliance with the terms of any notice under clause (b) of sub-section (3) within the period specified in the notice, it shall be lawful for the Grama Panchayat to take such action as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the Grama Panchayat shall be paid by the person or persons upon whom the notice was served and shall be recoverable as if it were a tax imposed under section 199.

(5) An appeal shall lie to the Assistant Commissioner from any order or direction or notice of the Grama Panchayat under sub-section (1), (2) or (3) and his decision on such appeal shall be Final.

(6) Any appeal under sub-section (5) pending before the Public Works and Amenities Committee of the Zilla Parishad shall on the date of commencement of the Karnataka Panchayat Raj Act, 1993 stand transferred to the Assistant Commissioner and such appeal shall be decided by him as if it had been filed before him."

65. Power of Government to prohibit and regulate the erection of buildings in certain areas without permission.- (1) Notwithstanding anything contained in section 64, the Government may, in the interest of the general public and after consulting the Grama Panchayat concerned prohibit by notification the erection of any building within a specified area within the jurisdiction of a Grama Panchayat except with permission granted by the Government or any officer authorised by the Government in this behalf (hereinafter in this section referred to as the "authorised officer"):

Provided that such prohibition shall not be made in respect of land which has been set apart as a building site

by the Government or the Grama Panchayat prior to the date of such notification.

(2) Subject to the provisions of sub-section (3), the grant of any permission under sub-section (1) may be subject to such conditions as may be imposed by the Government or the authorised officer in each case or specified generally.

(3) The Government may publish a development plan in respect of the area notified under sub-section (1) after following such procedure as may be prescribed, and on the publication of such plan, no building shall be erected or constructed in such area except in accordance with the specifications and conditions specified in such development plan.

(4) Whoever erects any building contrary to the provisions of sub-section (2) or (3) shall, on conviction, be punished with fine which may extend to five hundred rupees.

(5) The Government or the authorised officer, as the case may be, may demolish any building erected contrary to the provisions of sub-section (1) or (3) or in violation of the conditions imposed under sub-section (2).

66. Permission for the construction of factories and the installation of machinery.- No person shall, without the permission of the Grama Panchayat and except in accordance with the condition specified in such permission,-

(a) construct or establish any factory, workshop or workplace in which it is proposed to employ steam power, water power or other mechanical power or electrical power, or

(b) install in any premises, any machinery or manufacturing plant driven by any power as aforesaid, not

being machinery or manufacturing plant exempted by rules made by the Government under this Act.

67. Prohibition of offensive or dangerous trades without licence.- No place within the jurisdiction of a Grama Panchayat shall be used for the purpose of any trade, business or industry which the Government may, by notification declare to be offensive or dangerous, except under a licence granted or renewed by the Grama Panchayat and subject to such conditions as may be imposed in the licence.

68. Control of hotels etc.- No place within the jurisdiction of a Grama Panchayat shall be used as a hotel, restaurant, eating house, coffee-house, sweetmeat shop, bakery, boarding house or lodging house (other than a hostel recognised by the Government), or a dharmashala or for manufacturing ice or aerated water except under a licence granted or renewed by the Grama Panchayat and except in accordance with the conditions specified therein.

69. Licensing of shops.- No place within the jurisdiction of a Grama Panchayat shall be used as a shop whether permanently or temporarily, other than a shop referred to in section 67 and 68, except under a licence granted or renewed by the Grama Panchayat and except in accordance with the conditions specified therein.

70. Provisions applicable to permissions and licences under section 66, 67, 68 and 69 (1) A permission shall be granted under section 66 and a licence under sections 67, 68 and 69 shall be granted or renewed, only on payment in advance of such fee as may be prescribed.

(2) The Grama Panchayat may, for reasons to be recorded in writing refuse to grant the permission under section 66 or to grant or renew a licence, or suspend or cancel a licence granted or renewed, under sections 67, 68 and 69 for default of any of the conditions subject to which the licence was granted.

(3) Any person aggrieved by the refusal to grant permission under section 66 or to grant or renew licence, or by the suspension or cancellation of a licence under sub-section (2) may, within thirty days of the date of communication of the order, appeal to the Assistant Commissioner and his decision on such appeal shall be final.

(4) Any appeal under sub-section (3) pending before the General Standing Committee of the Zilla Parishad shall on the date of commencement of the Karnataka Panchayat Raj Act 1993 stands transferred to the Assistant Commissioner and such appeal shall be decided by him as if it had been filed before him.

71. Transfer of institutions or works to Grama Panchayats.- Subject to such rules as may be prescribed, the Deputy Commissioner or Zilla Panchayat or Taluk Panchayat or any private person or body of persons may, with the consent of the Grama Panchayat and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of work or the performance of any duty within the area over which it has got control.

72. Obstructions and encroachments upon public streets and open sites.- (1) Whoever not being duly authorised in this behalf, within the limits of a Panchayat area.-

(a) shall have built or set up, or shall build or set up, any wall, fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or other encroachment or obstruction; or

(b) shall deposit or cause to be placed or deposited any box, bale, package, or merchandise, or any other thing in any public street or place or in or over or upon any open drain, gutter, sewer or aqueduct in such street or places;

shall on conviction, be punished with fine which may extend to one hundred rupees and with further fine which may extend to five rupee for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence.

(2) The Grama Panchayat shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open site not being private property, whether such site is vested in the Grama Panchayat or not. The expense of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable as if it were a tax imposed under section 199.

(3) Whoever, not being duly authorised in that behalf, removes earth, sand other than sand used for domestic purposes by residents of the Panchayat area or other materials from, or makes any encroachment in or upon any open site which is not private property shall, on conviction, be punished with fine which may extend to two hundred rupees, and,

(i) in the case of an encroachment, with further fine which may extend to two rupees for every day on which the encroachment continues after the date of first conviction;

(ii) in the case of removal of earth, sand or other materials, twice the value of such earth, sand or other material shall also be recoverable as a fine .

(4) Nothing contained in this section shall prevent the Grama Panchayat from allowing any temporary occupation of or erection in any public street on occasions of festivals and ceremonies or the piling of fuel in by-streets and sites for not more than four days, and in such manner as not to inconvenience the public or any individual.

73. Power to name streets and number buildings.-(1) The Grama Panchayat may cause a name to be given to any street and may also cause a number to be affixed to any building or part of a building and may, from time to time, cause such name and number to be altered.

(2) No person shall destroy, remove, deface or in any way injure or alter any such name or number or put up or paint any name or number different from that put up or painted by the order of the Grama Panchayat.

(3) Any person who destroys, removes, injures, alters or defaces any such name or number or puts any name or number different from that put up by order of the Grama Panchayat and any owner of any premises who does not at his own expenses keep such number in good order after it has been put up shall, on conviction, be punished with fine which may extend to one hundred rupees.

74. Removal of structures, trees, etc., which are in ruins or likely to fall.- (1) If it appears at any time to the Grama Panchayat that any building or any part thereof or any tree or branch of a tree is in a ruinous state or is likely to fall or is in any other way dangerous to any person occupying, resorting to or passing by such building or the part thereof, or the tree or the branch of the tree, the Grama Panchayat may by written notice require the owner or occupier of such building or tree, as the case may be,-

- (i) to pull down, lop or cut down; or
- (ii) to secure; or
- (iii) to remove; or
- (iv) to repair,

such building or part of it or the tree or the branch of the tree, as the case may be, and to prevent all causes of danger therefrom.

(2) If it appears to the Grama Panchayat that the danger from a building or tree which is ruinous or about

to fall is imminent, it may, before the period of notice expires, fence off, pull down, lop or cut down, secure or repair the said building or tree, as the case may be, or take such steps as may be required to arrest danger.

(3) Any expenses incurred by the Grama Panchayat in this behalf may be recovered from the owner or occupier, of the building or tree, as the case may be, as if it was a tax imposed under section 199.

(4) The Grama Panchayat shall issue a notice under sub-section (1) after giving the owner or occupier, as the case may be, a reasonable opportunity of stating any objection, adducing evidence, if any, and after being satisfied that the objection which is raised is invalid or insufficient.

75. Power as to sanitation, conservancy and drainage.- (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction a Grama Panchayat may, by a written notice, require within a reasonable period to be specified therein,-

(i) the owner or occupier of any building or any hut or the owner of any privy to remove such hut or privy either wholly or in part;

(ii) the owner or the occupier of any building to construct private drains thereof or to alter or to remove private drains thereof;

(iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Grama Panchayat;

(iv) the owner or occupier of any land or building which contains a well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water, which is injurious to health or offensive to the neighbourhood or is otherwise a source of

nuisance to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action therewith, as may be deemed necessary by the Grama Panchayat;

(v) the owner or occupier of any land overgrown with vegetation, undergrowth, prickly pear, or jungle, which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, undergrowth, prickly pear or jungle.

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Grama Panchayat may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under section 199.

76. Contribution from persons having control over places of pilgrimage, etc.- (1) where a church, mosque, temple, mutt or any place of religious worship or institution or any place which is used for holding fairs or festivals or for other like purposes is situated within the limits of a Grama Panchayat or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary shall be made by the Grama Panchayat, the Deputy Commissioner may after providing sufficient opportunity to the Board of Trustees or other person having control over such place require him or it to make such recurring or non-recurring contribution to the funds of the Grama Panchayat as he may determine in such manner as may be prescribed.

(2) The Board of Trustees or other person required to make a contribution under sub-section (1) may appeal to the Commissioner against any determination made by the Deputy Commissioner.

(3) Any contribution directed to be paid under sub-section (1) shall be recoverable as an arrears of land revenue.

77. Power for providing adequate water supply.- (1) For providing the area under its control or any part thereof with a supply of water pure and sufficient for public and private purposes, the Grama Panchayat may,-

(a) construct, repair and maintain tanks or wells and clear streams or water courses;

(b) purchase or acquire by gift or otherwise any tank, well, stream or water course, or any right to take or convey water within or without the area under its control;

(c) with the consent of the owner thereof utilise, cleanse or repair any tank, well, stream or water course or provide facilities for obtaining water therefrom;

(d) contract with any person for supply of water, or

(e) do any other act for carrying out the purpose of this section.

(2) The Grama Panchayat may, by order published at such place as it may think fit, set apart for the supply of water to the public for drinking or culinary purposes, any tank, well, stream or water course in respect of which action has been taken under clause (a) or (b) or (c) of sub-section (1) subject to any rights which the owner referred to in clause (c) of sub-section (1) may retain with the consent of the Grama Panchayat.

(3) The Grama Panchayat may, by order published at such place as it may think fit, prohibit,-

(a) bathing, washing of clothes and animals or other acts likely to pollute the water of any tank, well, stream or water course set apart for drinking or culinary purpose under sub-section (2), and

(b) the use of any source of water supply for drinking or culinary purposes or for the washing of clothes during epidemics.

78. Power of Grama Panchayat to make bye-laws regarding provisions of water supply.- Subject to such rules as the Government may make in this behalf, a Grama Panchayat may make bye-laws for conserving and preventing injury to sources and means of water supply and appliances for the distribution of water whether within or without the limits of the Grama Panchayat, and for regulating all matters connected with the supply and use of water, and turning on, or turning off, and preventing the waste of water, and construction, maintenance and control of Grama Panchayat water works and pipes and fittings in connection therewith whether the property is of the Grama Panchayat or not.

79. Appointment of Joint Committees.- (1) A Grama Panchayat may, and if so required by the Zilla Panchayat shall, join with one or more than one other local authority or statutory body for any purpose in which they are jointly interested or for any matter for which they are jointly responsible and may or shall constitute, as the case may be, a Joint Committee to be incharge of the work, the Adhyaksha of Taluk Panchayat shall be the Chairman of the Joint Committee.

(2) The joint committee may, include persons who are not members of the local authorities or statutory bodies concerned but who may in their opinion possess special qualifications or special interest for serving on such committee:

Provided that the number of such persons shall not exceed one third of the total number of members of the joint committee.

(3) The constitution of a joint committee and its proceedings shall be governed by regulations made by the Zilla Panchayat.

(4) Without prejudice to the generality of the power to make regulations under sub-section (3), such regulations may provide for the following matters, namely:-

- (a) the total number of members on the committee;
- (b) the number of members to be appointed under sub-section (2) if any;
- (c) the manner of election or appointment;
- (d) the term of office;
- (e) the power of the committee which shall not be in excess of the powers which can be exercised by the local authorities or statutory bodies concerned;
- (f) the provision of funds to and the administration of funds by the joint committee;
- (g) the procedure of the joint committee.

(5) The Joint Committee may be dissolved after serving the purpose for which it was constituted.

(6) The Zilla Panchayat may issue such direction as it thinks necessary in regard to the distribution of its assets and liabilities when the committee is dissolved.

80. Power of entry.- Any member, officer or servant of a Grama Panchayat may enter into or upon any building or land with or without assistants or workmen, in order to make any inspection or execute any work for any of the purposes of this Act:

provided that,-

(a) no such entry shall be made between sunset and sunrise;

(b) unless the entry be with the consent of its occupier, no dwelling house shall be so entered without giving reasonable previous notice signed by the Adhyaksha or by a person duly authorised by him in this behalf of the intention to make such entry; and

(c) due regard shall be had in making such entry to the social and religious usages of the occupants of the premises entered.

81. Filthy buildings etc- whoever, being the owner or occupier of any building or land, whether tenantable or otherwise suffers the same to be in a filthy or unwholesome state, or in the opinion of the Grama Panchayat a nuisance to persons residing in the neighbourhood or overgrown with prickly pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing from any person authorised by the Grama Panchayat in this behalf to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall, on conviction be punished with fine which may extend to one hundred rupees and if the offence be a continuing one with further fine which may extend to five rupees for every day during which the said offence is continued after the date of first conviction.

82. Powers and duties in regard to sources of water supply.- The Secretary or any officer authorised by the Grama Panchayat in this behalf may at any time by written notice require that the owner or any person who has control over any well, stream, channel, tank, or other source of water supply shall, whether it is private property or not,-

(a) if the water is used for drinking,-

(i) keep and maintain any such source of water supply, other than a stream, in good repair, or

(ii) within a reasonable time to be specified in the notice cleanse any such source of water supply from silt, refuse and decaying vegetation, or

(iii) in such manners as the Grama Panchayat directs protect any such source of water supply from pollution by surface drainage, or

(iv) desist from using and from permitting others to use for drinking purposes any such sources of water supply, which not being a stream in its natural flow, is in the opinion of the Grama Panchayat unfit for drinking, or

(v) if, notwithstanding any such notice under sub-clause (iv) such use continues and cannot, in the opinion of the Grama Panchayat, be otherwise prevented, close either temporarily or permanently, or fill up or enclose or fence in such manner as the Grama Panchayat considers sufficient to prevent such use, such source of water supply, or

(vi) drain off or otherwise remove from any such source of water supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto any stagnant water which the Grama Panchayat considers is injurious to health or offensive to the neighbourhood;

(b) within twenty four hours of such notice repair, protect or enclose in such manner as the Grama Panchayat may direct or approve any source of water supply, whether used for drinking purposes or not, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure such source of water supply is, in the opinion of the Grama Panchayat dangerous to the health or safety of the public or of any persons having occasion to use or to pass by or approach the same.

83. Remedy for non-compliance with directions issued.- If the owner or the person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of section 82, Grama Panchayat may, and, if in the opinion of the Secretary immediate action is necessary to protect the health or safety of any person, he shall at once, proceed to execute the work required by such notice, and all the expenses incurred thereon shall be paid by the owner, or person, having control over such source of water

supply, and shall be recovered in the same manner as an amount claimed on account of any tax recoverable under section 199 :

Provided that in the case of any well or private stream or any private channel, tank or other source of water supply the water of which is used by the public or by any section of the public as of right the expenses incurred by such owner or person having control may, if the Grama Panchayat so directs, be paid from the Grama Panchayat fund.

84. Power to set apart public springs, etc., for certain purposes.- The Grama Panchayat may by public notice which shall be put up at the spring, tank, or other place concerned and otherwise as required by this Act, set apart public springs, tanks, wells and other places and parts of public water sources for drinking purposes or for bathing or for washing clothes or animals or for any other purposes calculated to promote the health, cleanliness, comfort or convenience of the inhabitants, and with the consent of the owners, may also set apart any private springs, tanks, wells or other places for any of the aforesaid purposes.

85. Power to prohibit use of water from certain sources.- The Grama Panchayat may, during epidemics, on receipt of a certificate from any medical officer in the employ of the Taluk Panchayat, Zilla Panchayat or of the Government stating that such action is desirable, summarily by notice prohibit the use of water from any source to which the public have access. Such notice shall be served by putting up a copy thereof near the source of water supply stating the number of days during which such prohibition shall last. The Grama Panchayat may from time to time extend or modify the period of prohibition without the production of a further certificate.

86. Penalty for using water for certain purposes.- Whoever,-

(a) bathes on, or defiles, the water in any place set

apart for drinking purposes by the Grama Panchayat or, in the case of private property, by the owner thereof, or

(b) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes, or

(c) washes clothing in any place set apart as aforesaid for drinking or bathing, or

(d) washes any animal or any cooking utensils or wood, skins, or other foul or offensive substance, or deposits, any offensive or deleterious matter in any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes, or

(e) allows the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes, or

(f) uses water from any source in contravention of the provisions of section 85,

shall, on conviction, be punished with fine which may extend to fifty rupees and if the offence be a continuing one, with further fine which may extend to ten rupees for every day during which the said offence is continued after the date of first conviction.

87. Abatement of nuisance from foul water.- When any pool, ditch, tank, pond, well, hole or any waste or stagnant water, or any channel, or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise shall appear to the Secretary to be likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, the Secretary may by written notice require the owner of the same

to cleanse, fill up, drain off or remove the same, or take such measure as shall, in his opinion be necessary to abate or remove the nuisance.

88. Closing of places for the disposal of the dead.- (1) If the Grama Panchayat is of opinion that any place in the Panchayat area which is used for the disposal of the dead is in such a state as to be, or to be likely to become injurious to health, it may forward its opinion with the reasons, therefor to the Assistant Commissioner. The Assistant Commissioner may thereupon, after such further inquiry, if any, as he shall deem fit to cause to be made, by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the notification.

(2) A copy of the said notification shall be published in the local newspapers, if any, and shall be pasted up at the Grama Panchayat office and in one or more conspicuous spots on or near the place to which it relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place after the date specified in the said notification for closure thereof or buries any corpse in any unoccupied Government land not set apart for the burial of the dead under the provisions of any law for the time being in force or by established usage, shall, on conviction, be punished with fine which may extend to one hundred rupees.

89. Power of entry into building, etc., where infectious disease exists.- The Secretary or any person authorised by the Grama Panchayat in this behalf may enter at any time after reasonable notice, any building or premises in which any infectious disease is reported or suspected to exist, for the purpose of inspecting such building or premises. No such inspection shall be made except between sunrise and sunset.

90. Disinfection of buildings, etc.- If the Secretary is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof or of any articles therein likely to retain infection, would tend to prevent or check the spread of any infectious disease he may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice:

Provided that if the Secretary considers that immediate action is necessary or that the owner or occupier is by reason of poverty or otherwise, unable effectively to comply with his requisition, he may himself cause such building or premises or articles to be cleansed or disinfected and for this purpose may cause such articles to be removed from such building or premises and the expenses incurred under this section shall be recoverable in the manner provided in chapter XIII from the said owner or occupier unless he was, by reason of poverty unable effectively to comply with the requisition.

91. Articles exposed to infection. (1) The Secretary shall, from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous or infectious disease may be washed or disinfected.

(2) The Secretary may direct the destruction of clothing, bedding, or other articles likely to retain such infection.

(3) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (1), shall, on conviction, be punished with fine which may extend to fifty rupees.

92. Registration of burial and burning grounds. (1) Every owner or person having the control of any place used at the commencement of this Act, as a public place for burying, burning or otherwise disposing of the dead in a Panchayat area, shall, if such place be not already registered under any law applicable thereto, apply to the

Grama Panchayat to have such place registered under this Act.

(2) If it appears to such Grama Panchayat that there is no owner or person having control of such place, the Grama Panchayat shall assume such control, and register such place or may close it.

93. Licensing of places for disposal of the dead.- (1)

No new place for the disposal of the dead whether private or public, shall be opened, formed, constructed or used in a Panchayat area unless after an application for the purpose is made and a licence is obtained from, the Grama Panchayat.

(2) Such application for a licence shall be accompanied by a plan of the place to be licensed showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such other particulars as the Grama Panchayat may require.

(3) The Grama Panchayat to which an application is made, may.-

(a) grant or refuse a licence, or

(b) postpone the grant of a licence until objections, if any, to the site, considered reasonable by the Grama Panchayat have been removed or any particulars called for by it have been furnished.

94. A book to be kept of places registered, licensed, or provided .- (1)

A book shall be kept at the office of every Grama panchayat in which the places registered, licensed or provided under section 92 or section 93 shall be recorded.

(2) A notice that such place has been registered, licensed, or provided as aforesaid, shall be affixed at or near the entrance to such place conspicuously.

95. Prohibition against burying or burning, in unauthorised places.- No person shall in any Panchayat area bury, burn or otherwise dispose of or cause or suffer to be buried, burnt or otherwise disposed of any corpse in any place within hundred metres of a dwelling place or any source of drinking water supply other than a place registered under section 92 or licensed under section 93, or provided by the Grama Panchayat.

96. Notice of burials, etc., to be given to Grama Panchayat.- The person having control of a place for disposing of the dead in a Panchayat area shall give information of every burial, burning or other disposal, of a corpse at such place to any person appointed by the Grama Panchayat.

97. Public landing places, cart stands etc.- Save as otherwise provided in this Act and subject to such rules as may be prescribed a Grama Panchayat, may,

(a) provide public landing places, halting places, and cart stands (which last expression includes stands for any animals and vehicles of any description) and levy fees for their use; and

(b) where any such place or stand has been provided, prohibit the use for the same purpose by any person within such distance thereof, of any public place or the sides of any public road, as the Grama Panchayat may, subject to the control of the Assistant Commissioner, specify.

98. Regulation of huts.- No person shall erect any hut, shed or range or block of huts or sheds or add to any hut or shed already existing in Panchayat area without obtaining previous permission. The Grama Panchayat may require such huts or sheds to be built so that they may stand in regular lines with a free passage or way in front

of and between every two lines of such width as the Grama Panchayat may think proper for ventilation and to facilitate scavenging and at such a level as will admit of sufficient drainage. If any hut or shed is built without obtaining previous permission of the Grama Panchayat, the Grama Panchayat may give written notice to the owner or builder thereof or to the owner or occupier of the land on which the same is erected or is being erected requiring him within such reasonable time as may be specified in the notice to remove the same or to make such alterations therein or additions thereto as having regard to the sanitary considerations, the Grama Panchayat may think fit.

99. Power for making drains.- (1) In order to carry out any drainage scheme, it shall be lawful for a Grama Panchayat to carry any drain, sewer, conduit tunnel, culvert, pipe or water course through, across or under any cellar or vault which may be under any street and after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the Panchayat area.

(2) The Grama Panchayat or any officer authorised by it for such purpose may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the Grama Panchayat has been already constructed or may repair or alter any drain vested in the Grama Panchayat.

(3) In the exercise of any power under this section, no unnecessary damage shall be done, and due compensation shall be paid by the Grama Panchayat to any person who sustains damage by the exercise of such power.

100. Sufficient drainage of houses.- (1) If any building or land in a Panchayat area is, at any time, under drained, or not drained to the satisfaction of the Grama Panchayat, the Grama Panchayat may, by written notice call upon the owner to construct or lay from such building or land a drain

or pipe of such size and materials, at such level, and with such fall as it thinks necessary for the drainage of such building or land into,-

(a) some drain or sewer, if there is a suitable drain or sewer within sixteen meters of any part of such building or land, or

(b) a covered cess pool to be provided by such owner.

(2) It shall not be lawful newly to erect any building or to rebuild any building or to occupy any building newly erected or rebuilt in a Panchayat area unless and until-

(a) a drain is constructed, of such size, materials and description, at such level, and with such fall, as shall appear to the Grama Panchayat to be necessary for the effectual drainage of such building, or

(b) there have been provided for and set up in such building and in the land appurtenant thereto all such appliances and fittings as may appear to the Grama Panchayat to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(3) The drain to be constructed as aforesaid shall empty into a Grama Panchayat drain, or into some place legally set apart for the discharge of drainage situated at a distance not exceeding sixteen meters from such building, but if there is no such drain or place within that distance, then such drain shall empty into such cess pool as the Grama Panchayat directs.

101. Power of owner or occupier of buildings or lands to drain into Grama Panchayat drains.- The owner or occupier of any building or land within a Panchayat area shall be entitled to cause his drain to empty into sewers of the Grama Panchayat, provided that he first obtains the

written permission of the Grama Panchayat and that he complies with such conditions as the Grama Panchayat prescribes as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the Grama Panchayat and drains which are so vested.

102. Right to carry drain through land or into drain belonging to other persons.- (1) If the owner or occupier of any building or land within a Panchayat area desires to connect the same with any Grama Panchayat drain by means of a drain, to be constructed through land or connected with a drain belonging to or occupied by or in the use of some other person, he may make an application in that behalf to the Grama Panchayat.

(2) Thereupon the Grama Panchayat after giving to such other person a reasonable opportunity of stating any objection, may, if no objection is raised or if the objection raised is insufficient, authorise the applicant to carry his drain into or through or under the land or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintenance and repair as may appear to it to be adequate and equitable.

(3) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner, occupier or user of the said land or drain the compensation and rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner, occupier or user reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset and, subject to the provision of this Act, to do all such work as may be necessary,-

(a) for the construction or connection of the drain as may be authorised by the said order;

(b) for renewing, repairing, or altering the same as may be necessary from time to time; or

(c) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

(4) In executing any work under this section as little damage as possible shall be done and the owner or occupier of the building or land for the benefit of which the work is done shall cause the work to be executed with the least practicable delay and fill in, reinstate and make good at his own cost the ground or any portion of the building or other construction opened, broken up or removed for the purpose of executing the said work and pay compensation to any person who sustains damage by the execution of the said work.

103. Rights of owner of land through which drain is carried in regard to subsequent building thereon.- If the owner of any land into, through or under which a drain has been carried under section 102 whilst such land was not built upon shall at any subsequent time desires to construct a building thereon, the Grama Panchayat shall, if it sanctions the construction of such building or land, by written notice require the owner to demolish or close any privy for the benefit of which such drain was constructed, to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as it may deem to be necessary in order to admit of the construction or safe enjoyment of the proposed building.

104. Provision of privies, etc.- (1) In case a Grama Panchayat is of the opinion that any privy or cesspool or

additional privies or cesspools should be provided in or on any building or land, or shifted or removed from any building or land or in any area in which a water closet system has been introduced, that water closets should be substituted for the existing privies in or on any building or land or that additional water closets should be provided therein or thereon, the Grama Panchayat may, by written notice, call upon the owner of such building or land to provide such privies, cesspools or water closets as the Grama Panchayat may deem proper.

(2) A Grama Panchayat may, by written notice, require any person or persons employing workmen or labourers exceeding twenty in number or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the Grama Panchayat may direct, and to cause the same to be kept in proper order, and to be daily cleansed.

(3) A Grama Panchayat may, by written notice, require the owner or occupier of any land upon which there is a privy or urinal to have such privy or urinal shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood or to alter as it may direct any privy door or trap-door which opens on to any street, and which it deems to be a nuisance.

105. Cost of altering, repairing and keeping in proper order privies etc.- (1) All sewers, drains, privies, water closets, house-gullies and cesspools within a Panchayat area shall, unless constructed at the cost of the Grama Panchayat be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which

they are constructed or continued, and the Grama Panchayat may, by written notice, require such owner to alter, repair and put the same in good order in such manner as it thinks fit.

(2) The Grama Panchayat may, by written notice, require the owner to demolish or close any privy or cesspool whether constructed before or after the coming into force of this Act, which in the opinion of the Grama Panchayat, is a nuisance, or is so constructed as to be inaccessible for the purposes of scavenging or incapable of being properly cleansed or kept in good order.

106. Inspection of drains, etc.- A Grama Panchayat or any officer appointed by it for such purposes may inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings, with assistants and workmen and cause the ground to be opened where he or it may think fit, doing as little damage as may be.

(2) The expenses of such inspection, and of causing the ground to be closed and made good as before, shall be borne by the Grama Panchayat, unless the sewer, drain, privy, water-closet, house-gully or cesspool is found to be in bad condition, or was constructed in contravention of the provisions of any enactment, or of any bye-law of the Grama Panchayat in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool and shall be recoverable in the same manner as a tax or fee due to the Grama Panchayat.

107. Dangerous quarrying.- If in the opinion of a Grama Panchayat the working of any quarry or the removal of a stone, earth or other material, from the soil in any place, is dangerous to persons residing in or having legal access

to the neighbourhood thereof or creates or is likely to create a nuisance, the Grama Panchayat may, by written notice, require the owner of the said quarry or place or the person responsible for such working or removal not to continue or permit the working of such quarry or the removing of such material or to take such order with such quarry or place as the Grama Panchayat shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom:

Provided that if such quarry or place is vested in the Government or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of the Government or any person acting with the permission or under the authority of the Government or any officer of the Government acting as such, the Grama Panchayat shall not take such action unless and until the Director of Mines and Geology or the person authorised by him in this behalf has consented to its so doing:

Provided further that the Grama Panchayat shall immediately cause a proper hoarding or fence to be put up for the protection of passers-by near such quarry or place, if in any case referred to in this section it appears to it to be necessary in order to prevent imminent danger, and any expense incurred by the Grama Panchayat in taking action under this section shall be paid by such owner or other person as aforesaid and shall be recoverable in the same manner as an amount claimed on account of any tax due to the Grama Panchayat.

108. Using offensive substance, etc.- Whoever, except with the written permission of a Grama Panchayat and except in the manner, if any, enjoined in such permission stores or uses night soil or other substance emitting an offensive smell other than cattle manure shall, on

conviction, be punished with fine which may extend to one hundred rupees.

109. Emission of smoke.- (1) It shall be lawful for a Grama Panchayat to direct by public notice that every furnace employed or to be employed, in any works or buildings used, for the purpose of any trade or manufacture whatsoever, within the limits of the Grama Panchayat, whether a steam engine is or is not used or employed therein, shall in all cases be constructed, supplemented or altered as to consume or burn or reduce as far as may be practicable the smoke arising from such furnace.

(2) If any person shall, after such direction, use or permit to be used, any such furnace not so constructed, supplemented or altered or shall so negligently use or permit to be used any such furnace that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending being the owner or occupier of the said works or buildings or being an agent or other person employed by such owner or occupier for managing the same, shall, on conviction, be punished with fine which may extend to one hundred rupees and upon any subsequent conviction with fine which may extend to five hundred rupees:

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

110. Prohibition of nuisance.- Whoever within a Grama Panchayat area,-

(a) in any public street or public place,-

(i) eases himself; or

(ii) loiters or begs importunately for alms; or

(iii) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound; or

(iv) carries meat exposed to public view; or

(v) without proper authority pickets animals, or collects carts; or

(vi) without proper authority defaces or writes upon or otherwise marks any building, monument, post, wall fence, tree or other thing; or

(vii) without proper authority affixes upon any building, monument, post, wall, fence, tree or other thing, any bill, notice or other document; or

(viii) without proper authority removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Act or the rules or bye-laws made thereunder; or

(b) at any time or place at which the same has been prohibited by the Grama Panchayat by public or special notice, beats any drum or tom-tom or blows a horn or trumpet or beats any utensil or sounds any brass or other instrument or plays any music; or

(c) without proper authority disturbs the public peace or order by singing, screaming or shouting, or by using any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or

(d) lets loose any animal so as to cause, or negligently allows any animal to cause injury, danger, alarm or annoyance to any person; or

(e) uses or permits to be used as a latrine any place not intended for that purpose,

shall, on conviction be punished with fine which may extend to one hundred rupees.

CHAPTER-V

STAFF OF GRAMA PANCHAYATS

111. Secretary.- (1) Every Grama Panchayat shall have a whole time Secretary who shall be an officer of the Government and shall draw his salary and allowances from the Zilla Panchayat Fund.

(2) The Secretary shall perform all the duties and exercise all the powers imposed or conferred upon him by or under this Act or any rules or bye-laws made thereunder.

112. Staffing pattern and schedule of employees.- (1) The Government may, by order, specify the staffing pattern, the scales of pay and mode of recruitment of staff of Grama Panchayats.

(2) The Grama Panchayat shall, subject to subsection (1), determine and submit for approval of the Chief Executive Officer a schedule of employees specifying the designation and grades and the salaries and allowances payable to its officers other than the Secretary required for carrying out the duties imposed upon the Grama Panchayat by or under this Act.

113. Appointment and control of employees.- (1) Subject to the provisions of sections 111 and 112 the Grama Panchayat may, with the prior approval of the Chief Executive Officer appoint other employees of the Grama Panchayat and pay their salaries from the Grama Panchayat Fund:

Provided that in making appointments the appointing authority shall reserve posts for the Scheduled Castes, the Scheduled Tribes and other socially and educationally Backward Classes of citizens in the same manner and to the same extent as is applicable for the recruitment to posts in the State Civil Services.

(2) The Secretary may, by order, fine, suspend or withhold, the increment of any employee appointed by the Grama Panchayat.

(3) The Grama Panchayat may reduce in rank, remove or dismiss any employee appointed by it.

(4) An appeal shall lie against an order passed by the Secretary under sub-section (2) to the Executive Officer and against an order passed by the Grama Panchayat under sub-section (3) to the Chief Executive Officer, and whose decision shall be final.

(5) Any appeal under sub-section (4) pending before the Mandal Panchayat or the Zilla Parishad on the date of commencement of the Karnataka Panchayat Raj Act, 1993, shall stand transferred respectively to the Executive Officer and the Chief Executive Officer and such appeal shall be decided by them as if it had been filed before them.

CHAPTER - VI

CONVERSION OF A MUNICIPALITY, SANITARY BOARD OR A NOTIFIED AREA COMMITTEE AND AMALGAMATION

114. Interpretation.- For the purpose of this chapter, unless the context otherwise requires,-

(a) “municipal council” includes a person or persons appointed to exercise the powers and to perform the functions of municipal council;

(b) “notified area committee” means a committee constituted under Section 350 of the Karnataka Municipalities Act, 1964;

(c) “Sanitary board” means a sanitary board referred to in Section 355 of the Karnataka Municipalities Act, 1964;

(d) “Grama Panchayat” includes a person or persons appointed to exercise the powers and to perform the functions of a Grama Panchayat under Section 8.

115. Effect of conversion of a municipality, sanitary board or a notified area committee into a Grama Panchayat.- (1) Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may, after previous publication by notification, direct that the local area constituting any municipality shall from such date as may be specified therein (hereinafter referred to as the specified date), be a Panchayat area and in respect thereof, on and from such specified date, the following consequences shall ensue, namely,-

(a) the Municipal Council of such local area shall cease to exist or to function;

(b) there shall be constituted for the Panchayat area an interim Grama Panchayat consisting of persons vacating office as councillors of the municipality and the President and Vice President of Municipal Council shall be deemed to be the Adhyaksha and Upadhyaksha of the interim Grama Panchayat;

(c) the unexpended balance of the municipal fund and the property (including arrears of rates, taxes and fees) belonging to the Municipal Council and all rights and powers which, prior to such notification, vested in the municipal council shall, subject to all charges and liabilities affecting the same, vest in the interim Grama Panchayat as the Grama Panchayat Fund until a new Grama Panchayat is constituted in pursuance of the provisions of sub-section (1) of section 116;

(d) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted under the municipal law before the specified date in respect of such local area shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the Panchayat area until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, bye-law or form made, issued, imposed or granted under this Act;

(e) all budget estimates, assessments, assessment lists valuation or measurements made or authenticated under the municipal law immediately before the specified date in respect of such local area shall be deemed to have been made or authenticated under this Act;

(f) all debts and obligations incurred and all contracts made by or on behalf of the Municipal Council before the specified date and subsisting on the specified date shall be deemed to have been incurred and made by the Grama Panchayat in exercise of the powers conferred on it by this Act;

(g) all officers and servants in the employ of the Municipal Council immediately before the specified date shall be officers and servants of the Grama Panchayat under this Act, and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and subject to the conditions of service to which they were entitled or subject immediately before such date:

Provided that it shall be competent to the Grama Panchayat subject to the previous sanction of the Government to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the Grama Panchayat service after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund, and gratuity as he would have been entitled to take or receive on being invalidated out of service as if the Municipal Council in the employ of which he was, had not ceased to exist;

(h) all proceedings pending immediately before the specified date before the Municipal Council shall be deemed to be transferred to and be continued before the Grama Panchayat;

(i) all appeals pending immediately before the specified date before the Municipal Council shall, so far as may be practicable, be disposed as if such local area had been included in the Grama Panchayat when they were filed;

(j) all prosecutions instituted by or on behalf of the Municipal Council and all suits or other legal proceedings instituted by or against such Municipal Council or any officer of such Municipal Council pending immediately before the specified date shall be continued by or against

the Grama Panchayat as if such local area had been included in the Panchayat area when such prosecutions, suits or proceedings were instituted.

(2) The provisions of sub-section (1) shall, *mutatis mutandis*, apply for the conversion of a local area within the jurisdiction of a Town Board Sanitary Board or a Notified Area Committee into a Panchayat area.

116. Term of office of members of interim Grama Panchayat and their powers.- (1) The Government shall take steps to hold election for a new Grama Panchayat within a period not exceeding five years from the date on which the interim Grama Panchayat has been constituted under Section 115:

Provided that where an interim Grama Panchayat has been constituted to a Panchayat area converted under Section 115 prior to the date on which the first elections to the Grama Panchayats are held under this Act, no election to constitute a new Grama Panchayat for such area shall be held before the date on which the unexpired portion of the term of office of the councillors of the municipality or the members of the Sanitary Board or Notified Area Committee, as the case may be, would have ended:

Provided further that nothing in the above provision shall apply to a Panchayat area, the limits of which are altered by including within such Panchayat area any village or group of villages.

(2) The members of the interim Grama Panchayat shall hold office until the date immediately preceding the date of first meeting of the new Grama Panchayat.

(3) Any vacancy in the office of the interim Grama Panchayat shall be filled, as soon as may be, by appointment by the Deputy Commissioner.

(4) All arrears of rates, taxes and fees vesting in the interim Grama Panchayat shall, notwithstanding that such rates, taxes and fees cannot be levied under this Act, be recoverable in the same manner as a tax levied under Section 199 of this Act:

Provided that the steps to recover arrears of rates taxes and fees shall be taken within a period of three years from the date on which they vest in the interim Grama Panchayat.

(5) In other respect the provisions of this Act shall, *mutatis mutandis* apply to the interim Grama Panchayat and its members.

(6) If any difficulty arises,-

(i) in the constitution of the interim Grama Panchayat or the new Grama Panchayat which succeeds it, or

(ii) in giving effect to the provisions of section 115 and this section,

the Government may, by order not inconsistent with the provisions of this Act, remove the difficulty.

117. Effect of amalgamation of Panchayat area.- When two contiguous Panchayat areas are amalgamated and declared to be one Panchayat area (hereinafter in this section referred to as the amalgamated Panchayat area) by virtue of a notification under section 4, with effect from the date on which such notification is issued (hereinafter in this section referred to as the specified date), the following consequences shall ensue, namely,-

(a) the Grama Panchayats of such local areas shall cease to exist and all the members of such Grama Panchayats shall vacate office;

(b) all powers and duties of such Grama Panchayats shall be exercised and performed by such person (hereinafter referred to as the administrator) as the Deputy Commissioner appoints in this behalf:

(c) the unexpended balance of the Grama Panchayat Funds and all the properties (including arrears of rate, taxes and fees) belonging to such Grama Panchayats and all rights and powers which prior to the specified date, vested in such Grama Panchayats shall, subject to all charges and liabilities affecting the same, vest as the Grama Panchayat Fund.-

(i) in the administrator, until the Grama Panchayat for the amalgamated Panchayat area is constituted (hereinafter referred to as the amalgamated Grama Panchayat) and the term of office of its members commences under Section 42: and

(ii) thereafter, in the amalgamated Grama Panchayat:

(d) the unexpended balance of the Grama Panchayat Fund and all the properties (including arrears of rates, taxes and fees) shall, until the amalgamated Grama Panchayat is constituted, be utilised for the benefit of the inhabitants of such local areas in such manner as the administrator may think fit;

(e) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, bye-law or form made, issued, imposed or granted, in respect of such local areas and in force on the specified date shall continue in force and be deemed to have been made, issued, imposed or granted, in respect of the amalgamated Panchayat area until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, permission, rules, bye-law, or form made, issued, imposed or granted under this Act;

(f) all budget estimates, assessment, assessment lists, valuations or measurements, made or authenticated by such Grama Panchayat before the specified date shall be deemed to have been made or authenticated in respect of the amalgamated Grama Panchayat under this act;

(g) all debts and obligations incurred and all contracts made by or on behalf of such Grama Panchayats and subsisting immediately before the specified date shall be deemed to have been incurred and made by the

amalgamated Grama Panchayat in exercise of the powers conferred on it by this act;

(h) all officers and servants in the employ of such Grama Panchayats immediately before the specified date shall be officers and servants of the amalgamated Grama Panchayats and shall until other provision is made in accordance with this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject immediately before such date:

Provided that it shall be competent for the administrator or the amalgamated Grama Panchayat, subject to the previous sanction of the Government to discontinue the services of any officer or servant who, in his or its, opinion, is not necessary or suitable to the requirements of the Grama Panchayat service in respect of the amalgamated Panchayat area, after giving the officer or servant such notice as is required to be given by the terms of his employment, and every officer or servant whose services are discontinued shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service, as if the Grama Panchayat, in the employ of which he was, had not ceased to exist;

(i) all proceedings pending immediately before the specified date before such Grama Panchayats shall be deemed to be transferred to and continued before the administrator or the amalgamated Grama Panchayat, as the case may be;

(j) all appeals pending before such Grama Panchayats immediately before the specified date shall, so far as may be practicable, be disposed by the administrator or the amalgamated Grama Panchayat, as the case may be;

(k) all prosecutions instituted by or on behalf of such Grama Panchayats or any officer of such Grama Panchayat, pending immediately before the specified date shall be continued by or against the amalgamated Grama

Panchayat or administrator of the amalgamated Grama Panchayat, as the case may be.

118. Effect of division of panchayat area.- Where any local area comprised within the limits of a Panchayat area ceases to be a Panchayat area, and is declared as constituting two or more new Panchayat areas by virtue of notification under Section 4, with effect from the date on which such notification is issued (hereinafter in this section referred to as the specified date), the following consequences shall ensure, namely.-

(a) the Grama Panchayat constituted in respect of such local areas shall cease to exist or to function and the Adhyaksha, Upadhyaksha and all the members of the Grama Panchayat shall vacate office;

(b) all the powers and duties of the Grama Panchayat for each of the new Panchayat areas shall, until Grama Panchayats are constituted for such Panchayat areas be exercised and performed by such persons (hereinafter referred to as the administrators) as the Deputy Commissioner shall appoint;

(c) the unexpended balance of the Grama Panchayat Fund and all the property including arrears of rates, taxes and fees belonging to such Grama Panchayat shall vest in the new Grama Panchayats in such proportion and in such manner as may be prescribed;

(d) the officers and servants of such Grama Panchayat shall be allocated by the Zilla Panchayat between the new Grama Panchayats in such manner as the Deputy Commissioner may direct;

(e) Subject to clauses (a) to (d) the provisions of section 115 shall *mutatis mutandis* apply to the administrators of the new panchayats and their members.

CHAPTER-VII

CONSTITUTION OF TALUK PANCHAYAT

119. Establishment of Taluk Panchayat and its incorporation.- (1) For each taluk, there shall be a Taluk Panchayat having jurisdiction, save as otherwise provided in this Act, over the entire taluk excluding such portions of the taluka as are included in a municipality or are under the authority of a municipal corporation, a sanitary board, a town board or a notified area committee constituted under any law for the time being in force:

Provided that a Taluk Panchayat may have its office in any area comprised within the excluded portion of the Taluka and in such area may exercise its powers and functions over schools and other institutions under its control or management.

(2) Every Taluk Panchayat shall be a body corporate by the name of ".....Taluk Panchayat", shall have perpetual succession and a common seal and subject to such restrictions as are imposed by or under this or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, or acquiring, holding and transferring property, movable or immovable, whether without or within the limits of the area over which it has authority, of entering into contracts and of doing all things, necessary, proper and expedient for the purpose for which it is constituted.

120. Constitution of Taluk Panchayat.- (1) Every Taluk Panchayat shall consist of,-

(i) the elected members as determined under section 121;

(ii) the members of the House of People and the State Legislative Assembly representing a part or whole of the Taluk, whose constituencies lie within the Taluk;

(iii) the members of the Council of States and the State Legislative Council who are registered as electors within the Taluk; and

(iv) one-fifth of the Adhyakshas of the Grama Panchayats in the Taluk by rotation for a period of one year as the Assistant Commissioner may determine by lot;

Provided that an Adhyaksha who was a member under this clause for one term shall not be eligible to become member for a second term during the remainder of his term of office as Adhyaksha.

(2) The Members of the House of People, the State Legislative Assembly, the Council of States and the Legislative Council and the Adhyakshas of Grama Panchayats referred to in clauses (ii), (iii) and (iv) of sub-section (1) shall be entitled to take part in the proceedings of, and vote at, the meetings of the Taluk Panchayat

(3) Notwithstanding anything contained in this Section or Sections 122, 123 and 124 but subject to any general or special orders of the Government, where two-thirds of the total number of members of any Taluk Panchayat required to be elected have been elected the Taluk Panchayat shall be deemed to have been duly constituted under this Act.

121. Elected members.- The number of elected members of a Taluk Panchayat shall consist of persons elected from the territorial constituencies in the taluk as may be notified from time to time by the Government at the rate of one member for every ten thousand population or part thereof, of the taluk:

Provided that in taluks having a population of not exceeding one lakh, there shall be a minimum of eleven elected members.

122. Determination of elected members after each census.- Upon the publication of the figures of each

census, the number of elected members of a Taluk Panchayat shall be determined on the basis of the population of the Taluk as ascertained at that census:

Provided that the determination of the number as aforesaid shall not affect the then composition of the Taluk Panchayat until the expiry of the term of office of the elected members then in office.

123. Reservation of Seats.-

(1) Seats shall be reserved in a Taluk Panchayat.-

(a) for the Scheduled Castes; and

(b) for the Scheduled Tribes;

and the number of seats so reserved shall bear as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the Taluk Panchayat as the population of the Scheduled Castes in the Taluk or of the Scheduled Tribes in the taluk bears to the total population of the taluk.

Provided that such reservation shall not be less than fifteen percent of the total number of seats in the Taluk Panchayat in the case of the Scheduled Castes and not less than three percent in the case of Scheduled Tribes.

(2) Such number of seats which shall, as nearly as may be one-third of the total number of seats in a Taluk Panchayat shall be reserved for persons belonging to the Backward Classes.

(3) Not less than one third of the seats reserved for each category of persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and those of the non-reserved seats in a Taluk Panchayat shall be reserved for women:

Provided that the seats reserved under sub-sections (1), (2) and (3) shall be allotted by rotation to different constituencies in the taluk:

Provided further that nothing contained in this section shall be deemed to prevent the persons belonging to the Scheduled Castes or Scheduled Tribes or Backward Classes or women for whom seats have been reserved in a Taluk Panchayat from standing for election to the non-reserved seats in such Taluk Panchayat.

124. Delimitation of territorial constituencies.- The Deputy Commissioner shall, by notification,

(a) divide the area within the jurisdiction of every Taluk Panchayat for the purpose of elections to such Taluk Panchayat into as many single member territorial constituencies as the number of members required to be elected under section 121.

(b) determine the extent of each territorial constituency; and

(c) determine the territorial constituency or constituencies in which seats are reserved for the Scheduled Castes, Scheduled Tribes, Backward Classes and Women.

125. Right to vote.- (1) Every person whose name appears in the voters list relating to a constituency shall, subject to the other provisions of this Act, be entitled to vote at any election which takes place in that constituency while the voters list remains in force and no person whose name does not appear in such voters list shall vote at any such election.

(2) No person shall vote at an election under this Act in more than one constituency or more than once in the same constituency and if he does so, all his votes shall be invalid.

126. List of voters.- (1) Subject to the provisions of sub-section (2), the electoral roll of the Zilla Panchayat for the time being in force for such part of the constituency shall be deemed to be the list of voters for such Taluk Panchayat constituency.

(2) No amendments, transposition or deletion of any entry in the electoral roll of the Zilla Panchayat made after the last date for making nominations for an election in any Taluk Panchayat constituency and before the completion of such election shall form part of the list of voters for such election for the purpose of this section.

(3) The Executive Officer or when there is no Executive Officer such officer as may be authorised by the Deputy Commissioner, shall maintain in the prescribed manner a list of voters for each Taluk Panchayat Constituency.

127. Qualifications of a candidate.- (1) A person shall not be qualified to be chosen to fill a seat in a Taluk Panchayat unless his name is included in the list of voters of the Taluk Panchayat for the time being in force in the taluk.

(2) A person shall not be qualified to be chosen from a territorial constituency to fill a seat in a Taluk Panchayat unless in the case of a seat reserved for the Scheduled Castes or Scheduled Tribes or Backward Classes or Women, such person is a member of those castes or classes or is a woman.

128. Disqualification for members.- (1) A person shall be disqualified for being chosen and for being member of a Taluk Panchayat,-

(a) if he is so disqualified by or under any law for the time being in force for the purposes of the elections to the State Legislature:

Provided that no person shall be disqualified on the ground that he is less than twenty five years, if he has attained the age of twenty-one years;

(b) if he is disqualified under the Karnataka Local Authorities (Prohibition of Defection) Act, 1987; or

(c) if he has been sentenced by a criminal court to imprisonment for a term exceeding three months in respect of an offence under the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), such sentence not having been subsequently reversed or quashed or the offence pardoned; or

(d) if an order has been passed against him under section 117 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) in proceedings instituted under section 110 of the code, such order not having been subsequently reversed or quashed; or

(e) if he has been dismissed from service under any local authority, or

(f) if, having been a legal or medical practitioner or a chartered accountant he has been disenrolled or suspended by order of a competent authority, the disqualification in the latter case being operative during the period of such suspension, or

(g) if he has been removed from membership of any local authority; or

(h) if he holds any office of profit under any local or other authority subject to the control of the Central Government, the Government of Karnataka or the Government of any other State, other than such offices as are declared by rules made under this Act not to disqualify the holder,

Explanation: For the purpose of this clause a person shall not be deemed to hold an office of profit under the Zilla Panchayat, Taluk Panchayat or Grama Panchayat by reason only that he is an Adhyaksha or Upadhyaksha of Zilla Panchayat, Taluk Panchayat or Grama Panchayat.

(i) if save as hereinafter provided, he has directly, any share or interest in any work done by order of the Taluk

Panchayat or in any contract or employment with or under or by or on behalf of the Taluk Panchayat, or

(j) if he is employed as paid legal practitioner on behalf of the Taluk Panchayat or accepts an employment as legal practitioner against the Taluk Panchayat:

Provided that.-

(a) the disqualification in clause (d) will cease to operate after the expiry of the period during which a person is ordered to furnish security

(b) the disqualification in clauses (c), (e) or (f) will cease to operate after the expiry of five years from the date of such sentence, dismissal or disenrolment or removal,

(c) the disqualification in clause (g) will cease after the expiry of five years from the date of such removal,

(d) a person shall not be deemed to have incurred disqualification under clause (i) by reason of his,

(i) having a share in any joint stock company or a share or interest in any association registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or in any Co-operative Society, which shall contract with or be employed by or on behalf of the Taluk Panchayat, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Taluk Panchayat is inserted or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Taluk Panchayat.

(2) If a person who is chosen as a member of a Taluk Panchayat is or becomes a member of the House of the People, the Council of States, the State Legislative Assembly or the State Legislative Council, or is or becomes

a Municipal Councillor or a Councillor of a Municipal Corporation or a member of a Sanitary Board or a Town Board or Zilla Panchayat or Grama Panchayat or a Notified Area Committee, then at the expiration of period of fifteen days from the date of notification of the names of the members under section 133 or, as the case may be, within fifteen days from the date of commencement of term of office of a member of the House of the People, the Council of States, the State Legislative Assembly or the State Legislative Council or a Municipal Councillor or a Councillor of a Municipal Corporation or a member of a Sanitary Board or a Town board or a Notified Area Committee, Zilla Panchayat or Grama Panchayat, his seat in the Taluk Panchayat shall become vacant unless he has previously resigned his seat in the House of the people, the Council of States, the State Legislative Assembly, the State Legislative Council, the Municipal Council, the Municipal Corporation, Sanitary Board or Town Board, Zilla Panchayat or Grama Panchayat or the Notified Area Committee, as the case may be.

129. Vacancy of seat:- (1) If any member of a Taluk Panchayat,

(a) is or becomes subject to any of the disqualification specified in section 128, or

(b) votes or takes part as a member in the discussion of any matter in which he has directly or indirectly any such share or interest as is described in sub-clauses (i) or (ii) of clause (d) of the proviso to sub-section (1) of section 128, or

(c) votes on or takes part in the discussion of any question in contravention of the provision of clause (g) of sub-section (2) of section 141, or

(d) being an elected member absents himself, for more than three consecutive ordinary meetings of the Taluk

Panchayat unless leave so to absent himself, which shall not exceed six months, had been granted by the Taluk Panchayat or absents from the taluk for more than four consecutive months;

his seat shall be deemed to be or to have become, as the case may be, vacant:

Provided that where an application is made by a member to the Taluk Panchayat for leave to absent himself under clause (d) and the Taluk Panchayat fails to inform the applicant of its decision on the application within a period of one month from the date of the application the leave applied for shall be deemed to have been granted by the Taluk Panchayat.

(2) The Deputy Commissioner, on a report made to him and after giving a reasonable opportunity to the person concerned of being heard shall declare whether the seat of the member concerned is or has become vacant.

130. Method of voting and procedure for election.- (1) Every elector shall have as many votes as there are members to be elected. No elector shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, elections to the Taluk Panchayat shall be held by ballot in accordance with such rules as may be prescribed.

(3) The provisions of sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 shall apply in respect of elections to Taluk Panchayat as they apply to elections to Grama Panchayats.

131. Prohibition of simultaneous membership.- (1) If a person is elected by more than one Taluk Panchayat constituency he shall, by notice in writing signed by him and delivered to the Deputy Commissioner or any other prescribed officer, within the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) If the person does not make the choice referred to in sub-section (1), the Deputy Commissioner or the prescribed officer, shall determine by lot and notify the constituency which such person shall serve.

(3) Such person shall be deemed to have been elected only for the constituency so chosen or notified, as the case may be and the vacancy or vacancies thereby arising in respect of the other constituency or constituencies shall be filled by election.

132. Application of certain sections relating to elections.-

(1) The provisions of sections 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 shall apply *mutatis mutandis* in respect of election to Taluk Panchayat, the application being to the Civil Judge having jurisdiction and the deposit as security for costs being one thousand rupees.

(2) Any person aggrieved by any decision or order of the Civil Judge under this section may, within thirty days from the date of such decision or order appeal to the District Judge and the decision of the District Judge on such appeal shall be final.

133. Publication of names of members.- The names of members elected to any Taluk Panchayat shall be reported to the Commissioner who shall notify the names in the Official Gazette.

134. Term of Office of Members.- (1) Except as is otherwise provided in this Act, members of a Taluk Panchayat elected at a general election shall hold office for a term of five years;

(2) The term of office of the members elected at a general election shall commence on the date appointed for the first meeting of the Taluk Panchayat.

(3) The term of office of a member elected to fill a casual vacancy shall commence on the date of publication of his name under section 133.

135. Resignation of members.- A member of a Taluk Panchayat may resign his membership in writing under his hand addressed to the Adhyaksha of the Taluk Panchayat and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Adhyaksha.

136. Removal of members for misconduct.-The Government if it thinks fit on the recommendation of the Taluk Panchayat or otherwise, may remove any member after giving him an opportunity of being heard and after such enquiry as it deems necessary if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member.

137. Casual Vacancies how to be filled up.- A casual vacancy of a member of a Taluk Panchayat shall be filled up, as soon as conveniently may be, by the election of a person thereto who shall hold office so long only as the member in whose place he is elected could have held office if the vacancy had not occurred.

138. Election of Adhyaksha and Upadhyaksha and term of office.- (1) The elected members of the Taluk Panchayat referred to in clause (i) of sub-section (1) of section 120 shall as soon as may be choose two members from amongst them to be respectively Adhyaksha and Upadhyaksha thereof, and so often as there is a casual vacancy in the office of Adhyaksha and Upadhyaksha they shall choose another member from amongst them to be Adhyaksha or Upadhyaksha, as the case may be:

Provided that no election shall be held if the vacancy is for a period of less than one month.

(2) There shall be reserved by the Government, in the prescribed manner,-

(a) Such number of offices of Adhyaksha and Upadhyaksha of Taluk Panchayats in the State for the persons belonging to the Scheduled Castes and Scheduled Tribes and the number of such offices bearing as nearly as may be the same proportion to the total number of offices in the State as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided that such reservation shall not be less than fifteen percent of the total number of offices of Adhyaksha and Upadhyaksha in the State, in the case of the Scheduled Castes and not less than three percent in the case of the Scheduled Tribes.

(b) such number of offices of Adhyaksha and Upadhyaksha of Taluk Panchayats which shall as nearly as may be one-third of the total number of offices of the Adhyaksha and Upadhyaksha in the State, for the persons belonging to the Backward Classes;

(c) not less than one-third of the total number of offices of Adhyaksha and Upadhyaksha of the Taluk Panchayats in the State from each of the categories reserved for persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and those which are non-reserved, for Women;

Provided that the offices reserved under this subsection shall be allotted by rotation to different Taluk Panchayats.

Explanation: For the removal of doubts it is hereby declared that the principle of rotation for the purposes of

reservation of offices under this sub-section shall commence from the first election to be held after the commencement of the Karnataka Panchayat Raj Act, 1993.

(3) Save as otherwise provided under this Act, the Adhyaksha and Upadhyaksha of Taluk Panchayat shall hold office for the term of office of the members of the Taluk Panchayat.

(4) The election of Adhyaksha and Upadhyaksha, filling of vacancies in the said offices and determination of disputes relating such election shall be in accordance with such rules as may be prescribed:

Provided that the authority to determine such election disputes shall be the Civil Judge having jurisdiction.

139. Salary and allowances to the Adhyaksha, Upadhyaksha and other members.- (1) The salary and allowances of Adhyaksha and Upadhyaksha of Taluk Panchayat shall be as prescribed.

(2) Every member of the Taluk Panchayat other than the Adhyaksha and Upadhyaksha shall be entitled to receive, such sitting fee and other allowances, as may be prescribed.

140. Resignation or removal of Adhyaksha and Upadhyaksha.- (1) A member holding office as Adhyaksha of the Taluk Panchayat may resign his office at any time by writing under his hand addressed to the Deputy Commissioner and the Upadhyaksha may resign his office at any time by writing under his hand addressed to the Adhyaksha and in the absence of Adhyaksha to the Deputy Commissioner and the office shall become vacant on the expiry of fifteen days from the date of such resignation unless within the said period of fifteen days he withdraws such resignation by writing under his hand addressed to the Deputy Commissioner or the Adhyaksha, as the case may be.

(2) Every Adhyaksha or Upadhyaksha of Taluk Panchayat shall vacate office if he ceases to be a member of the Taluk Panchayat.

(3) Every Adhyaksha and every Upadhyaksha of the Taluk Panchayat shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of elected members of the Taluk Panchayat at a meeting specially convened for the purpose.

(4) Every Adhyaksha and Upadhyaksha of Taluk Panchayat shall, after an opportunity is afforded for hearing him, be removable from his office as Adhyaksha or Upadhyaksha by the Government for misconduct in the discharge of his duties, for being persistently remiss in the discharge of his duties, and an Adhyaksha or Upadhyaksha so removed who does not cease to be a member under sub-section (2) shall not be eligible for re-election as Adhyaksha or Upadhyaksha during the remaining term of office as member of such Taluk Panchayat.

(5) An Adhyaksha or Upadhyaksha removed from his office under sub-section (4) may also be removed by the Government from membership of the Taluk Panchayat.

141. Meetings of Taluk Panchayat.- (1) A Taluk Panchayat shall hold a meeting for the transaction of business at least once in two months (hereinafter in this section called the ordinary meeting) and shall subject to the provisions of the following sub-sections, make regulations not inconsistent with this Act, or with any rules made thereunder with respect to the day, hour, notice, management and adjournment of its meetings and generally with respect to the transaction of business thereto. Every meeting of the Taluk Panchayat shall ordinarily be held at the headquarters of the Taluk Panchayat.

(2) (a) The date of the first meeting of the Taluk Panchayat after the first constitution or reconstitution,

shall be fixed by the Assistant Commissioner who shall preside at such meeting and date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Taluk Panchayat, provided that the Adhyaksha may for sufficient reasons, alter the day of the meeting to a subsequent date. The Adhyaksha may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members and on a date within fifteen days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called. If the Adhyaksha fails to call a special meeting, the Upadhyaksha or one-third of the total number of members may call the special meeting for a day not more than fifteen days after presentation of such request and require the Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting.

(b) Ten clear days' notice of an ordinary meeting and seven clear days' notice of a special meeting specifying the time at which such meeting is to be held and the business to be transacted there at, shall be sent to the members and pasted up at the office of the Taluk Panchayat. Such notice shall include in the case of a special meeting any motion or proposition mentioned in the written request made for such meeting.

(c) One-third of the total number of members of the Taluk Panchayat shall form a quorum for transacting business at a meeting of the Taluk Panchayat. If at the time appointed for the meeting a quorum is not present, the person presiding shall, wait for thirty minutes and if within such period there is a quorum proceed with the meeting; but if within such period there is no quorum the person presiding shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of a quorum. At such adjourned

meetings at which there is quorum the business which would have been brought before the original meeting shall be transacted.

(d) Every meeting shall be open to the public unless the presiding authority considers that any enquiry or deliberation pending before the Taluk Panchayat should be held in camera and the said authority may at any time cause any person who interrupts the proceedings to be removed.

(e) Every meeting shall be presided over by the Adhyaksha or if he is absent, by the Upadhyaksha and if both the Adhyaksha and Upadhyaksha are absent or if the Adhyaksha is absent and there is no Upadhyaksha the members present shall elect one from among themselves to preside.

(f) All questions shall, unless otherwise specially provided be decided by a majority of votes of the members present and voting. The presiding member, unless he refrains from voting, shall give vote before declaring the number of votes for and against a question and in case of equality of votes, he may give his casting vote.

(g) No member of a Taluk Panchayat shall vote on, or take part in the discussion of, any question coming up for consideration at a meeting of the Taluk Panchayat or any committee, if the question is one in which apart from its general application to the public he has any direct pecuniary interest.

(h) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Taluk Panchayat may be chosen to preside at the meeting during the continuance of such discussion.

(i) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in the case of special meeting, in the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects included in the list of business. The Adhyaksha may propose any urgent subject of a routine nature not included in the list of business if no member objects to it. No permission shall be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof except in accordance with clause (k). The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority who in case it is proposed by any member to give particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(j) Any ordinary meeting may, with the consent of a majority of the members present be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed at the meeting from which the adjournment took place.

(k) No resolution of Taluk Panchayat shall be modified or cancelled within six months after the passing thereof except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting, any notice whereof shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify fully or cancel at such meeting and motion or proposition for the modification or cancellation of such resolution.

(3) The proceedings of every meeting shall be recorded in the minutes book immediately after the deliberations of the meeting and shall after being read over by the Presiding authority of the meeting be signed by him.

The action taken on the decisions of the Taluk Panchayat shall be reported at the next meeting of the Taluk Panchayat. The minutes book shall always be kept in the office of the Taluk Panchayat. The minutes book shall not be taken outside the Taluk Panchayat office under any circumstances. The Executive Officer shall be the custodian of the minute book.

(4) A copy of every resolution passed by a Taluk Panchayat at a meeting shall, within ten days from the day of the meeting, be forwarded to the Commissioner and the Chief Executive Officer.

(5) During any vacancy in a Taluk Panchayat or any Committee thereof, continuing members may act as if no vacancy had occurred.

142. Interpellations and resolutions.- (1) A member of a Taluk Panchayat may move resolutions and interpellate the Adhyaksha of Taluk Panchayat on matters connected with the administration of the Taluk Panchayat subject to such regulations as may be made by the Taluk Panchayat.

(2) A member of the Taluk Panchayat may also call the attention of the Adhyaksha to any neglect in the execution of the work of the Taluk Panchayat, to any waste of property belonging to the Taluk Panchayat or to the wants of any locality within Taluk and may suggest any improvements which may appear desirable.

143. Taluk Panchayat may require the presence of Government officers at meetings.- If it shall appear to a Taluk Panchayat that the attendance of any officer of the Government having jurisdiction over an area of a district or less than a district and not working under the Taluk

Panchayat, is desirable at a meeting of the Taluk Panchayat, the Executive Officer shall by a letter addressed to such officer not less than fifteen days before the intended meeting, request that officer to be present at the meeting and the officer shall, unless prevented by sickness or other reasonable cause, attend the meetings:

Provided that the officer on receipt of such letter may if he for any of the causes aforesaid is unable to be present there at himself, instruct his deputy or other competent subordinate officer to represent him at the meeting.

144. Validity of proceedings.- (1) No disqualification or defect in the election or appointment of any person acting as member or as the Adhyaksha of Taluk Panchayat or presiding authority of a general or special meeting or of a Chairman or member of the committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the Taluk Panchayat or of any such committee, as the case may be, in which such person has taken part, whenever the majority who were parties to such act or proceeding, were entitled to act.

(2) No resolution of a Taluk Panchayat or of any Committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any member provided that the proceedings of the Taluk Panchayat or committee, were not prejudicially affected by such irregularity.

(3) Until the contrary is proved every meeting of a Taluk Panchayat or of a committee constituted under this Act, in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the

members of the meeting shall be deemed to have been duly qualified and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in minute.

(4) During any vacancy in a Taluk Panchayat or committee the continuing member or members may act as if no vacancy has occurred.

CHAPTER-VIII

FUNCTIONS, DUTIES AND POWERS OF TALUK PANCHAYAT, ADHYAKSHA AND UPADHYAKSHA

145. Functions of Taluk Panchayat.- Subject to such conditions as may be specified by the Government from time to time, the Taluk Panchayat shall perform the functions specified in Schedule II

146. Assignment of functions.- (1) The Government may assign to a Taluk Panchayat, functions in relation to any matters to which the executive authority of the Government extends or the functions which have been assigned to the State Government by the Central Government.

(2) The Government may, by notification, withdraw or modify the functions assigned under this section.

147. General powers of the Taluk Panchayat.- The Taluk Panchayat shall have powers to do all acts necessary for or incidental to, the carrying out of the functions entrusted or delegated to it and, in particular, and without prejudice to the foregoing powers to exercise all powers specified under this Act.

148. Standing Committees.- Taluk Panchayat shall have the following Standing Committees, namely.-

- a) General Standing Committee.
- b) Finance, Audit and Planning Committee.
- c) Social Justice Committee.

(2) Each Standing Committee shall consist of such number of members not exceeding six including the

Chairman as specified by the Taluk Panchayat, elected by the members of the Taluk Panchayat from among the elected members.

(3) The Adhyaksha shall be the *Ex-officio* member and also Chairman of the General Standing Committee and the Finance, Audit and Planning Committee. The Upadhyaksha shall be the *Ex-officio* member and Chairman of the Social Justice Committee.

(4) No elected member of the Taluk Panchayat shall be eligible to serve on more than one Standing Committee.

(5) The Executive Officer shall be the *Ex-officio* Secretary of every Standing Committee.

149. Functions of the Standing Committees.- (1)

The General Standing Committee shall perform functions relating to the establishment matters, communications, buildings, rural housing, village extensions, relief against natural calamities, water supply and all miscellaneous residuary matters.

(2) The Finance, Audit and Planning Committee shall perform the functions relating to the finance of the Taluk Panchayat, framing of budgets, scrutinising proposals for increase of revenue, examinations of receipts and expenditure statement, consideration of all proposals affecting the finances of the Taluk Panchayat and general supervision of the revenue and expenditure of the Taluk Panchayat and Co-operation, Small Savings Scheme and any other function relating to the development plan of the Taluk.

(3) The Social Justice Committee shall perform functions relating to.-

(a) promotion of education, economic, social, cultural and other interests of the Scheduled Castes and Scheduled Tribes and Backward Classes;

(b) protecting them from social injustice and all other forms of exploitation;

(c) amelioration of the Scheduled Castes and Scheduled Tribes and Backward Classes;

(d) securing social justice to the Scheduled Castes, Scheduled Tribes, Women and other Weaker sections of the society.

(4) The Standing Committees shall perform the functions referred to above to the extent the powers are delegated to them by the Taluk Panchayat.

150. Procedure of Committees,- (1) The Taluk Panchayat may frame regulations relating to election of members of committees, conduct of business therein and all other matters relating to them.

(2) The Chairman of every committee shall in respect of the work of the committee be entitled to call for any information, return, statement, account or report from the office of the Taluk Panchayat and to enter on and inspect any immovable property of the Taluk Panchayat or work in progress connected with the work of the committee.

(3) Each committee shall be entitled to require attendance at its meetings any officer of the Taluk Panchayat who is connected with the work of committee. The secretary shall under instruction of the committee, issue notices and secure the attendance of the officer.

151. Delegation of Powers.- The Taluk Panchayat may, by notification delegate to the Executive Officer or other officer any of the powers conferred by or under this Act on Taluk Panchayat.

152. Powers and duties of the Adhyaksha.- The Adhyaksha of Taluk Panchayat shall,

(a) convene, preside at and conduct meetings of the Taluk Panchayat;

(b) discharge all duties imposed and exercise all the powers conferred on him under this Act and the rules made thereunder and perform such functions entrusted to him by the Government from time to time;

(c) exercise supervision and control over the Executive Officer for securing implementation of resolutions or decisions of the Taluk Panchayat or of the Standing Committees which are not inconsistent with the provisions of this Act or any general or specific directions issued under this Act.

(d) exercise overall supervision over the financial and executive administration of the Taluk Panchayat and place before the Taluk Panchayat all questions connected therewith which shall appear to him to require its orders and for this purpose may call for records of Taluk Panchayat; and

(e) have power to accord sanction upto a total sum of twenty-five thousand rupees in a year for the purpose of providing immediate relief to those who are affected by the natural calamities in the taluk:

Provided that the Adhyaksha shall place at the next meeting of the Taluk Panchayat for its ratification, the details of such sanctions.

153. Powers and duties of the Upadhyaksha.- The Upadhyaksha of the Taluk Panchayat shall,

(a) exercise the powers and perform the duties of the Adhyaksha, when the Adhyaksha is absent or on leave or is incapacitated from functioning; and

(b) in the absence of the Adhyaksha preside over the meetings of the Taluk Panchayat.

154. Mode of making contract.- (1) Every contract or agreement entered into on behalf of the Taluk Panchayat shall be binding on the Taluk Panchayat only if the said

contract or agreement is executed in accordance with the provisions of this section.

(2) The Executive Officer shall execute contract or agreements on behalf of the Taluk Panchayat in respect of matters which he is empowered to carry out under the provisions of this Act. He may execute such contract or agreement on behalf of Taluk Panchayat upto such amount of value of contract or agreement as may be specified by the Government from time to time. In all other cases he shall execute a contract or agreement only with the sanction of the Taluk Panchayat.

CHAPTER-IX

STAFF OF TALUK PANCHAYAT

155. Executive officer and other staff.- (1) The Government shall appoint a Group-A Officer of the State Civil Services of or equal to the rank of the Assistant Commissioner to be the Executive Officer of the Taluk Panchayat.

(2) The Government shall post from time to time to work under every Taluk Panchayat such number of officers and officials of group A or B or C or D services of the State (including any officer and official appointed to such service from amongst persons employed by existing local authorities) to serve under the Taluk Panchayat as the Government considers necessary.

(3) Notwithstanding anything contained in this act or any other law for the time being in force, Government or any officer or other authority authorised by it in this behalf shall have power to effect transfer of the officers and officials so posted either within the Taluk or from one Taluk to another Taluk.

156. Functions of The Executive officer and other officers and officials.- (1) Save as otherwise expressly provided by or under this Act, the Executive officer shall.-

(a) exercise all the powers specifically imposed or conferred upon him by or under this Act, or under any other law for the time being in force;

(b) lay down the duties of and supervise and control officers and officials of, or holding office under the Taluk Panchayat in accordance with rules made by the Government.

(c) supervise and control the execution of all works of the Taluk Panchayat;

(d) take necessary measures for the speedy execution of all works and developmental schemes of the Taluk Panchayat;

(e) have custody of all papers and documents connected with the proceedings of the meetings of the Taluk Panchayat and of its Committees;

(f) draw and disburse monies out of the Taluk Panchayat fund; and

(g) exercise such other powers and discharge such other functions as may be prescribed.

(2) The Executive Officer shall attend every meeting of the Taluk Panchayat and shall have the right to attend the meeting of any Committee thereof and to take part in the discussion but shall not have the right to move any resolution or to vote. If in the opinion of the Executive Officer any proposal before the Taluk Panchayat is violative of or inconsistent with the provisions of this Act, or any other law, rule or order made thereunder, it shall be his duty to bring the same to the notice of the Taluk Panchayat.

(3) The Executive Officer shall send proceedings of the general meetings of the Taluk Panchayat and its committees to the Chief Executive Officer and Commissioner with his observations.

157. Executive Officer's right to requisition records, etc.- (1) Every person in possession of moneys, accounts, records or other property pertaining to a Grama Panchayat or Taluk Panchayat shall on the requisition in writing of the Executive Officer for this purpose, forthwith handover such moneys or deliver up such accounts, records or other property to the Executive Officer or the person authorised in the requisition to receive the same.

(2) The Executive Officer may also take steps to recover any money due by such person in the same manner and subject to the same provisions as in the Karnataka

Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the recovery of the arrears of land revenue from defaulters; and for the purpose of recovering the accounts, records or other property appertaining to the Grama Panchayat or Taluk Panchayat may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(3) Every person knowing where any moneys, accounts, records or other property appertaining to a Grama Panchayat or Taluk Panchayat are concealed, shall be bound to give information of the same to the Executive Officer.

(4) An appeal shall lie from an order of the Executive Officer under this section to the Chief Executive Officer.

CHAPTER X

ZILLA PANCHAYAT

CONSTITUTION OF ZILLA PANCHAYAT

158. Establishment of Zilla Panchayat and its incorporation.- (1) There shall be constituted for each district a Zilla Panchayat having jurisdiction over the entire district excluding such portions of the district as are included in a municipality or are under the authority of a municipal corporation, a sanitary board, a town board or a notified area committee constituted under any law for the time being in force :

Provided that a Zilla Panchayat may have its office in any area comprised within the excluded portion of the district and in such area may exercise its powers and functions over schools and other institutions under its control or management.

(2) Every Zilla Panchayat shall be a body corporate by the name of ".....Zilla Panchayat" shall have perpetual succession and a common seal and subject to such restrictions as are imposed by or under this or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property movable or immovable, whether without or within the limits of the area over which it has authority, of entering into contracts and of doing all things, necessary, proper or expedient for the purpose for which it is constituted.

159. Constitution of Zilla Panchayat .- (1) Every Zilla Panchayat shall consist of,-

(i) the elected members as determined under section 160;

(ii) the members of the House of People and the members of the State Legislative Assembly representing

a part or whole of the district whose constituencies lie within the district;

(iii) the members of the Council of State and the members of the State Legislative Council who are registered as electors within the district; and

(iv) the Adhyakshas of Taluk Panchayats in the district.

(2) The members of the House of People, the State Legislative Assembly, the Council of States and the Legislative Council and the Adhyakshas of Taluk Panchayat referred to in clauses (ii), (iii) and (iv) of sub-section (1) shall be entitled to take part in the proceedings, and vote at, the meetings of the Zilla Panchayat.

(3) Notwithstanding anything contained in this section or sections 160, 161, and 162 but subject to any general or special orders of the Government, where two-thirds of the total number of members of any Zilla Panchayat required to be elected, have been elected, the Zilla Panchayat shall be deemed to have been duly constituted under this Act.

160. Elected members.- The elected members of a Zilla Panchayat shall consist of persons from the Taluks in the district, the number of members to be elected from each Taluk being fixed in accordance with the scale of one member for forty thousand or part thereof of the population except for Kodagu, Uttara Kannada and Chickmagalur districts where it shall be one member for thirty thousand or part thereof of the population.

161. Determination of Elected Members after Census.- Upon the publication of the figures of each Census, the number of elected members of a Zilla Panchayat shall be determined on the basis of the population of the district as ascertained at that census:

Provided that the determination of the number as aforesaid shall not affect the then composition of the Zilla

Panchayat until the expiry of the term of office of the elected members then in office.

162. Reservation of Seats.- (1) seats shall be reserved in the Zilla Panchayat,-

(a) for the Scheduled Castes; and

(b) for the Scheduled Tribes ;

and number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the Zilla Panchayat as the population of the Scheduled Castes in the district or of the Scheduled Tribes in the district bears to the total population of the district:

Provided that such reservation shall not be less than fifteen percent of the total number of seats in the case of Scheduled Castes and not less than three percent in the case of Scheduled Tribes.

(2) Such number of seats which shall, as nearly as may be one third of the total number of seats in a Zilla Panchayat shall be reserved for persons belonging to the Backward Classes.

(3) Not less than one third of the seats reserved for each category of persons belonging to Scheduled Castes, Scheduled Tribes and Backward Classes and those of the non-reserved seats in a Zilla Panchayat shall be reserved for Women:

Provided that the seat reserved under sub-sections (1), (2) and (3) shall be allotted by rotation to different constituencies in the district:

Provided further that nothing contained in this section shall be deemed to prevent the persons belonging to the Scheduled Castes or Scheduled Tribes or Backward Classes or Women for whom seats have been reserved in a Zilla Panchayat from standing for election to the non-reserved seats in such Zilla Panchayat.

163. Delimitation of Territorial Constituencies.- The Government shall, by notification,—

(a) divide the area within the jurisdiction of every Zilla Panchayat, for the purpose of election to such Zilla Panchayat into as many single member territorial constituencies as the number of members required to be elected under section 160;

(b) determine the extent of each territorial constituency which shall be a Taluk or part of a Taluk; and

(c) determine the territorial constituency or constituencies in which seats are reserved for the Scheduled Castes, Scheduled Tribes, Backward Classes and Women.

164. Right to Vote.- (1) Every person whose name appears in the electoral roll relating to a constituency shall subject to the other provisions of this Act, be entitled to vote at any election which takes place in that constituency while the electoral roll remains in force and no person whose name does not appear in such electoral roll shall vote at any such election

(2) No person shall vote at an election under this Act in more than one constituency or more than once in the same constituency and if he does so, all his votes shall be invalid.

165. Electoral Roll.- The electoral roll of the Zilla Panchayat shall be prepared subject to the superintendence, direction and control of the State Election Commission:

Provided that the electoral roll of the Karnataka Legislative Assembly for the time being in force for such part of the District as is included in any constituency of the Zilla Panchayat may be adopted for the purpose of preparation of electoral roll of the Zilla Panchayat for such constituency:

Provided further that the electoral roll for such constituency of the Zilla Panchayat shall not include any amendment, transposition, inclusion or deletion of any

entry made after the last date for making nomination for the election of such constituency and before the completion of such election.

166. Qualifications of a Candidate .- (1) A person shall not be qualified to be chosen to fill a seat in a Zilla Panchayat unless his name is included in the electoral roll of the Zilla Panchayat for the time being in force in the district.

(2) A person shall not be qualified to be chosen from a territorial constituency to fill a seat in a Zilla Panchayat unless in the case of a seat reserved for the Scheduled Castes or Scheduled Tribes or Backward Classes or Women such person is a member of those castes or tribes or classes or is a Woman.

167. Disqualification for Members.- (1) A person shall be disqualified for being chosen and for being member of a Zilla Panchayat, _

(a) if he is so disqualified by or under any law for the time being in force for the purposes of the elections to the State Legislature :

Provided that no person shall be disqualified on the ground that he is less than twenty five years, if he has attained the age of twenty-one year;

(b) if he has been sentenced by a criminal court to imprisonment for a term exceeding three months in respect of an offence under the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966), such sentence not having been subsequently reversed or quashed or the offence pardoned: or

(c) if an order has been passed against him under section 117 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) in proceedings instituted under section 110 of that code, such order not having been subsequently reversed or quashed; or

(d) If he has been dismissed from service under any local authority; or

(e) if having been a legal or medical practitioner or a chartered accountant has been disenrolled or suspended by order of a competent authority, the disqualification in the latter case being operative during the period of such suspension; or

(f) if he has been removed from membership of any local authority; or

(g) if he holds any office of profit under any local or other authority subject to the control of the Central Government, the State Government or the Government of any other State, other than such office as are declared by rules made under this Act not to disqualify the holder.

Explanation.-for the purpose of this clause a person shall not be deemed to hold an office of profit under the Zilla Panchayat, Taluk Panchayat or Grama Panchayat by reason only that he is an Adhyaksha or Upadhyaksha of Zilla Panchayat, Taluk Panchayat or Grama Panchayat.

(h) if save as hereinafter provided, he has directly or indirectly any share or interest in any work done by order of the Zilla Panchayat or in any contract or employment with or under, or by, or on behalf of, the Zilla Panchayat; or

(i) if he is employed as a paid legal practitioner on behalf of the Zilla Panchayat or accepts employment as legal practitioner against the Zilla Panchayat; and

(j) if he is disqualified under the Karnataka Local Authorities (Prohibition of Defection) Act, 1987;

Provided that ,-

(a) the disqualification in clause (c) will cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(b) the disqualification in clause (b), (d), or (e) will cease to operate after the expiry of five years from the date of such sentence or dismissal or disenrolment or removal by an order of the Government;

(c) the disqualification in clause (f) will cease after the expiry of five years from the date of such removal;

(d) a person shall not be deemed to have incurred disqualification under clause (h) by reason of his,-

(i) having a share in any joint stock company or a share or interest in any association registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or in any Co-operative Society which shall contract with or be employed by or on behalf of the Zilla Panchayat, or

(ii) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Zilla Panchayat is inserted, or

(iii) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the Zilla Panchayat.

(2) If a person who is chosen as a member of a Zilla Panchayat is or becomes a Member of the House of the People, the Council of States, the State Legislative Assembly or the State Legislative Council, or is or becomes a Municipal Councillor or a Councillor of a Municipal Corporation or a Member of a sanitary board, Taluk Panchayat or a Grama Panchayat or a notified area Committee, then at the expiration of a period of fifteen days from the date of notification of the names of the members under section 172, or as the case may be within fifteen days from the date of commencement of the term of office of a member of the House of the People, the Council of States, the State Legislative Assembly or State Legislative Council or of a Municipal Councilor or a Councillor of a Municipal

Corporation or a member of a Sanitary Board or a Town Board or a Notified Area Committee or a Taluk Panchayat or Grama Panchayat, his seat in the Zilla Panchayat shall become vacant unless he has previously resigned his seat in the House of the People, the Council of States, the State Legislative Assembly or the State Legislative Council or the Municipal Council or the municipal corporation or the Sanitary Board or the Taluk Panchayat or Grama Panchayat or the Notified Area Committee, as the case may be.

168. Vacancy of Seat:- (1) If any member of a Zilla Panchayat,-

(a) is or becomes subject to any of the disqualification specified in section 167; or

(b) votes or takes part as a member in the discussion of any matter in which he has directly or indirectly any such share or interest as is described in sub-clause (i) or (ii) of clause (d) of the proviso to sub-section (1) of section 167; or

(c) votes on or takes part in the discussion of any question in contravention of the provision of clause (g) of sub-section (2) of section 180; or

(d) being an elected member, absents himself, for more than three consecutive ordinary meetings of the Zilla Panchayat unless leave so to absent himself, which shall not exceed six months, had been granted by the Zilla Panchayat, or absents himself from the District for over four consecutive months, his seat shall be deemed to be or to have become, as the case may be, vacant:

Provided that where an application is made by a member to the Zilla Panchayat for leave to absent himself under clause (d) and the Zilla Panchayat fails to inform the applicant of its decision on the application within a period of one month from the date of the application the leave applied for shall be deemed to have been granted by the Zilla Panchayat.

(2) The Government on a report made to it and after giving a reasonable opportunity to the person concerned of being heard shall declare whether the seat of the person concerned is or has become vacant.

169. Method of Voting and Procedure for Election:- (1) Every elector shall have as many votes as there are members to be elected. No elector shall give more than one vote to any one candidate.

(2) Subject to the provisions of this Act, elections to the Zilla Panchayat shall be held by ballot in accordance with such rules as may be prescribed.

(3) The provisions of sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40, shall apply in respect of elections to Zilla Panchayat as they apply to elections to Grama Panchayats.

170. Prohibition of simultaneous Membership:-(1) If a person is elected by more than one Zilla Panchayat constituency he shall, by notice in writing signed by him and delivered to the Deputy Commissioner or any other officer, authorised by the Government within the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) If the person does not make the choice referred to in sub-section (1) the Deputy Commissioner or the authorised officer shall determine by lot and notify the constituency which such person shall serve.

(3) Such person shall be deemed to have been elected only for the constituency so chosen or notified, as the case may be, and vacancy or vacancies thereby arising in respect of the other constituency or constituencies shall be filled by election.

171. Application of certain sections relating to Elections:- (1) The provisions of sections 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 shall apply *mutatis mutandis* in

respect of election to Zilla Panchayat, the application being to the Civil judge having jurisdiction and the deposit as security for costs being two thousand rupees.

(2) Any person aggrieved by any decision or order of the Civil Judge under this section may within thirty days from the date of such decision or order appeal to the District Judge and the decision of the District Judge on such appeal shall be final.

172. Publication of Names of Members:-The names of members elected to any Zilla Panchayat shall be reported to the Government which shall notify the names in the Official Gazette.

173. Term of Office of Members:-(1) Except as is otherwise provided in this Act, members of a Zilla Panchayat elected at a general election shall hold office for a term of five years :

(2) The term of office of members elected at a general election shall commence on the date appointed for the first meeting of the Zilla Panchayat.

(3) The term of office of a member elected to fill a casual vacancy shall commence on the date of publication of his name under section 172.

174. Resignation of Members:-A member of a Zilla Panchayat may resign his membership in writing under his hand addressed to the Adhyaksha of Zilla Panchayat and his seat shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days, he withdraws such resignation by writing under his hand addressed to the Adhyaksha.

175. Removal of Members for Misconduct:- The Government if it thinks fit on the recommendation of the Zilla Panchayat may remove any member after giving him an opportunity of being heard and after such enquiry as it deems necessary if such member has been guilty of

misconduct, in the discharge of his duties or of any disgraceful conduct, or has become incapable of performing his duties as a member.

176. Casual Vacancy:- A casual vacancy of a member of a Zilla Panchayat shall be filled up, as soon as conveniently may be, by the election of a person thereto who shall hold office so long only as the member in whose place he is elected could have held office if the vacancy had not occurred.

177. Election of Adhyaksha, Upadhyaksha and Term of Office:- (1) The elected members of the Zilla Panchayat referred to in clause (1) of sub-section (1) of Section 159, shall as soon as may be, choose two members from amongst them to be respectively Adhyaksha and Upadhyaksha thereof and so often as there is a casual vacancy in the office of the Adhyaksha or Upadhyaksha, they shall choose another member from amongst them to be Adhyaksha or Upadhyaksha as the case may be :

Provided that no election shall be held if the vacancy is for a period of less than one month.

(2) There shall be reserved by the Government in the prescribed manner,-

(a) such number of offices of Adhyaksha and Upadhyaksha of Zilla Panchayat in the State for the persons belonging to the Scheduled Castes and Scheduled Tribes and the number of such offices bearing as nearly as may be the same proportion to the total number of offices in the State as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State ;

Provided that such reservations shall not be less than fifteen per cent of the total number of offices of Adhyaksha or Upadhyaksha in the State in the case of the Scheduled Castes and not less than three per cent in the case of Scheduled Tribes.

(b) such number of offices of Adhyaksha and Upadhyaksha in the State which shall as nearly as may be one third of the total number of offices of Adhyaksha and Upadhyaksha in the State, for the persons belonging to the Backward Classes ;

(c) not less than one-third of the total number of offices of Adhyaksha and Upadhyaksha in the State from each categories reserved for persons belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes and those which are non-reserved, for women ;

Provided that the offices reserved under this section shall be allotted by rotation to different Zilla Panchayat.

Explanation: For the removal of doubts it is hereby declared that the principle of rotation for purposes of reservation of offices under this sub-section shall commence from the first ordinary election to be held after the commencement of the Karnataka Panchayat raj Act, 1993.

(3) Save as otherwise provided in this Act, the Adhyaksha or the Upadhyaksha shall hold office for the term of office of the members of the Zilla Panchayat.

(4) The election of the Adhyaksha or the Upadhyaksha of Zilla Panchayat and filling up of vacancies in the said offices and the determination of disputes relating to such election shall be in accordance with such rules as may be prescribed :

Provided that the authority to determine such election disputes shall be the District Judge having jurisdiction.

178. Salary and Allowances to the Adhyaksha and Upadhyaksha and other Members:- (1) The salary and allowances of Adhyaksha and Upadhyaksha shall be as prescribed.

(2) Every member of the Zilla Panchayat other than the Adhyaksha and the Upadhyaksha shall be entitled to receive, such sitting fee and allowances as may be prescribed.

179. Resignation or removal of Adhyaksha and Upadhyaksha:- (1) A member holding office as Adhyaksha of Zilla Panchayat may resign his office at any time by writing under his hand addressed to the Commissioner and the Upadhyaksha of Zilla Panchayat may resign his office at any time by writing under his hand addressed to the Adhyaksha and in the absence of Adhyaksha to the Commissioner and the Office shall become vacant on the expiry of fifteen days from the date of such resignation unless within the said period of fifteen days he withdraws such resignation by writing under his hand addressed to the Commissioner or the Adhyaksha, as the case may be.

(2) Every Adhyaksha or Upadhyaksha of Zilla Panchayat shall vacate office if he ceases to be a member of the Zilla Panchayat.

(3) Every Adhyaksha and every Upadhyaksha of Zilla Panchayat shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of elected members of the Zilla Panchayat at a meeting specially convened for this purpose.

(4) Every Adhyaksha and Upadhyaksha of Zilla Panchayat shall, after an opportunity is afforded for hearing him, be removable from his office as Adhyaksha or Upadhyaksha by the Government for misconduct in the discharge of his duties, or for being persistently remiss in the discharge of his duties, and an Adhyaksha or Upadhyaksha so removed who does not cease to be a

member under sub-section (2) shall not be eligible for re-election as Adhyaksha or Upadhyaksha during the remaining term of office as member of such Zilla Panchayat.

(5) An Adhyaksha or Upadhyaksha removed from his office under sub-section (4) may also be removed by the Government from membership of the Zilla Panchayat.

180. Meetings of Zilla Panchayat:-(1) A Zilla Panchayat shall hold a meeting for the transaction of business at least once in two months (hereinafter in this section referred to as the ordinary meeting) and shall subject to the provisions of the following sub-sections, make regulations not inconsistent with this Act or with any rules made thereunder with respect to the day, hour, notice, management and adjournment of its meetings and generally with respect to the transaction of business thereto Every meeting of the Zilla Panchayat shall ordinarily be held at the headquarters of the Zilla Panchayat.

(2) (a) The date of the first meeting of the Zilla Panchayat after the first constitution or reconstitution shall be fixed by the Commissioner, who shall preside at such meeting, and the date of each subsequent ordinary meeting shall be fixed at the previous meeting of the Zilla Panchayat, provided that the Adhyaksha of Zilla Panchayat may for sufficient reasons, alter the date of the meeting to a subsequent date. The Adhyaksha may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members and on a date within fifteen days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called. If the Adhyaksha fails to call a special meeting, the Upadhyaksha or one-third of the total number of members of the Zilla Panchayat may call the special meeting for a day not more than fifteen days after presentation of such request and

require the Chief Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting.

(b) Ten clear days' notice of an ordinary meeting and seven clear days' notice of a special meeting specifying the time at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and pasted up at the office of the Zilla Panchayat. Such notice shall include, in the case of a special meeting any motion or proposition mentioned in the written request made for such meeting.

(c) One-third of the total number of members of the Zilla Panchayat shall form a quorum for transacting business at a meeting of the Zilla Panchayat. If, at the time appointed for the meeting a quorum is not present, the person presiding shall, wait for thirty minutes and if within such period there is a quorum proceed with the meeting; but if within such period there is no quorum, the person presiding shall adjourn the meeting to such hour on some future day as he may fix. He shall similarly adjourn the meeting at any time after it has begun if his attention is drawn to the want of a quorum. At such adjourned meetings at which there is quorum the business which would have been brought before the original meeting shall be transacted.

(d) Every meeting shall be open to the public unless the presiding authority considers that any enquiry or deliberation pending before the Zilla Panchayat should be held in camera and the said authority may at any time cause any person who interrupts the proceedings to be removed.

(e) Every meeting shall be presided over by the Adhyaksha or if he is absent, by the Upadhyaksha and if both the Adhyaksha and Upadhyaksha are absent or if the

Adhyaksha is absent and there is no Upadhyaksha the members present shall elect one from among themselves to preside.

(f) All questions shall, unless otherwise specially provided be decided by a majority of votes of the members present and voting. The presiding member, unless he refrains from voting shall give vote before declaring the number of votes for and against a question and in case of equality of votes, he may give his casting vote.

(g) No member of a Zilla Panchayat shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of a Zilla Panchayat or any Committee, if the question is one in which apart from its general application to the public he has any pecuniary interest.

(h) If the person presiding is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Zilla Panchayat may be chosen to preside at the meeting during the continuance of such discussion.

(i) No proposition shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in the case of a special meeting, in the written request for such meeting. A member may propose any resolution connected with or incidental to the subjects in the list of business. The Adhyaksha may propose any urgent subject of a routine nature not included in the list of business if no member objects to it. No permission shall be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof except in accordance with clause (k). The order in which any business or proposition shall be brought forward at such meeting shall be

determined by the presiding authority who, in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(j) Any ordinary meeting may, with the consent of a majority of the members present be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed at the meeting from which the adjournment took place.

(k) No resolution of the Zilla Panchayat shall be modified or cancelled within six months after the passing thereof except by a resolution passed by not less than one-half of the total number of members at an ordinary or special meeting, any notice whereof shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify fully or cancel at such meeting and motion or proposition for the modification or cancellation of such resolution.

(3) The proceedings of every meeting shall be recorded in the minutes book immediately after the deliberations of the meeting and shall after being read over by the Chairman of the meeting be signed by him. The action taken on the decisions of the Zilla Panchayat shall be reported at the next meeting of the Zilla Panchayat. The minutes book shall at all reasonable times be open to inspection by any member of the Zilla Panchayat. The minutes books shall always be kept in the office of the Zilla Panchayat and it shall be in the custody of the Chief Executive Officer.

(4) A copy of every resolution passed by a Zilla Panchayat at a meeting shall, within ten days from the date of the meeting, be forwarded to the Commissioner.

(5) During any vacancy in a Zilla Panchayat or any Committee thereof, the continuing members may act as if no vacancy had occurred.

181. Interpellations and Resolutions:-(1) A member of Zilla Panchayat may move resolutions and interpellate the Adhyaksha of Zilla Panchayat on matters connected with the administration of the Zilla Panchayat, subject to such regulations as may be made by the Zilla Panchayat.

(2) A member of the Zilla Panchayat may also call the attention of the Adhyaksha to any neglect in the execution of the work of the Zilla Panchayat, to any waste of property belonging to the Zilla Panchayat, or to the wants of any locality within the district and may suggest any improvements which may appear desirable.

182. Zilla Panchayat may require the presence of Government Officers at Meetings:- If it shall appear to a Zilla Panchayat that the attendance of any officer of the Government having jurisdiction over an area of a division or circle or less than a division or circle and not working under the Zilla Panchayat, is desirable at a meeting of the Zilla Panchayat, the Chief Executive Officer shall by a letter addressed to such officer not less than fifteen days before the intended meeting, request that officer to be present at the meeting and the officer shall, unless prevented by sickness or other reasonable cause, attend the meetings :

Provided that the officer on receipt of such letter may, if he for any of the causes aforesaid is unable to be present thereat himself, instruct his deputy or other competent subordinate officer to represent him at the meeting.

183. Validity of Proceedings:- (1) No disqualification or defect in the election or appointment of any person acting as member, or as the Adhyaksha of Zilla Panchayat or presiding authority of a special or general meeting or a Chairman or members of committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the Zilla Panchayat or of any such committee, as the case may be, in which such person has taken part, whenever the majority who were parties to such act or proceedings, were entitled to act.

(2) No resolution of a Zilla Panchayat or of any committee appointed under this Act shall be deemed invalid on account of any irregularity in the service of notice upon any member, provided that the proceedings of the Zilla Panchayat or Committee, were not prejudicially affected by such irregularity.

(3) Until the contrary is proved every meeting of a Zilla Panchayat or of a Committee appointed under this Act in respect of proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are the proceedings of a Committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

(4) During any vacancy in the Zilla Panchayat or committee the continuing member or members may act as if no vacancy has occurred.

CHAPTER XI

FUNCTIONS, DUTIES AND POWERS OF ZILLA PANCHAYAT ADHYAKSHA AND UPADHYAKSHA

184. Functions of the Zilla Panchayat:- Subject to such conditions as may be specified by the Government from time to time the Zilla Panchayat shall perform the functions specified in Schedule-III.

185. Assignment of functions:-(1) The Government may assign to a Zilla Panchayat functions in relation to any matters to which the executive authority of the Government extends or in respect of functions which have been assigned to the State Government by the Central Government.

(2) The Government may, by notification, withdraw or modify the functions assigned under this section.

186. Standing Committees:- (1) The Zilla Panchayat shall have the following standing committees, namely.-

- (a) General Standing Committee;
- (b) Finance, Audit and Planning Committee;
- (c) Social Justice Committee;
- (d) Education and Health Committee;
- (e) Agriculture and Industries Committee.

(2) Each Standing Committee shall consist of such number of members not exceeding five including the Chairman as specified by the Zilla Panchayat elected by the members of the Zilla Panchayat from amongst the elected members.

(3) The Adhyaksha shall be the Ex-officio Member and Chairman of the General Standing Committee and the Finance, Audit and Planning Committee. The Upadhyaksha shall be the Ex-officio Member and Chairman of the Social

Justice Committee. The other Standing Committees shall elect the Chairman from among their members.

(4) No member of the Zilla Panchayat shall be eligible to serve on more than two Standing Committees.

(5) The Chief Executive Officer shall be the Ex-officio Secretary of the General Standing Committee and the Finance, Audit and Planning Committee and he shall nominate one of the Deputy Secretaries as Ex-officio Secretary for each of the remaining Standing Committees. The chief Executive Officer shall be entitled to attend the meetings of all the Standing Committees.

187. Functions of the Standing Committees:-(1) The General Standing Committee shall perform functions relating to the establishment matters and functions relating to communications, buildings, rural housing, village extensions, relief against the natural calamities and allied matters and all miscellaneous residuary matters.

(2) The Finance and Planning Committee shall perform the functions relating to.-

(a) The finances of the Zilla Panchayat, framing of budgets, scrutinising proposals for increase of revenue, examination of receipts and expenditure statements, consideration of all proposals affecting the finances of the Zilla Panchayat and general supervision of the revenue and expenditure of the Zilla Panchayat.

(b) the plan priorities, allocation of outlays to developments, horizontal and vertical linkages, implementation of guidelines issued by the Government, regular review of planned programmes, evaluation of important programmes and small savings schemes.

(3) The Social Justice Committee shall perform functions relating to.-

(a) promotion of Educational, Economic, Social, Cultural and other interests of the Scheduled Castes and Scheduled Tribes and Backward Classes

(b) protecting them from social injustice and all other forms of exploitation

(c) amelioration of the Scheduled Castes and Scheduled Tribes and Backward Classes.

(d) securing social justice to the Scheduled Castes and Scheduled Tribes, women and other weaker sections of the society.

(4) The Education and health Committee shall perform the following functions.-

(a) be incharge of all educational activities of the Zilla Panchayat

(b) undertake the planning of education in the district within the framework of the national policy and the national and State plans;

(c) survey and evaluate the educational activities of the Zilla Panchayat

(d) perform such other duties pertaining to education, adult literacy and cultural activities as the Zilla Panchayat may assign to it;

(e) health services, hospitals, water supply, family welfare and other allied matters.

(5) The Agriculture and Industry Committee shall perform functions relating to,-

(a) agricultural production, animal husbandry, co-operation, contour bunding and reclamation.

(b) village and cottage industries.

(c) promotion of industrial development of the district.

(6) The Standing Committees shall perform the functions referred to above the extent the powers are delegated to them by the Zilla Panchayat.

(7) The Committees shall perform in respect of matters assigned to them such additional duties as may be prescribed.

188. Procedure of Committees:- (1) The Zilla Panchayat may frame regulations relating to election of members of

committees, conduct of business therein, and all other matters relating to them.

(2) The Chairman of every Committee shall in respect of the work of that committee be entitled to call for any information, return, statement or report from the officer of the Zilla Panchayat and to enter on and inspect any immovable property of the Zilla Panchayat or any work in progress concerning the Committee.

(3) Each committee shall be entitled to require attendance at its meetings any officer of the Zilla Panchayat who is connected with the work of the committee. The Chief Executive Officer shall under instruction of the committee, issue notices and secure the attendance of the officer.

189. Delegation of Powers:- The Zilla Panchayat may by notification delegate to the Chief Executive Officer or other Officer any of the powers conferred by or under this Act on the Zilla Panchayats.

190. Power to divert Discontinue or Close Road:-

(1) The Zilla Panchayat may, by notification, turn, divert, discontinue or permanently close any road which is under the control and administration of, or is vested in, the Zilla Panchayat.

(2) Before issuing a notification under sub-section(1), the Zilla Panchayat shall publish in such manner as may be prescribed a notice of its proposal inviting objections and shall take into consideration any objections received.

191. General Powers Of Zilla Panchayat:-(1) The Zilla Panchayat shall have powers to do all acts necessary for or incidental to, the carrying out of the functions entrusted or delegated to it and, in particular, and without prejudice to the foregoing powers, to exercise all powers specified under this Act.

(2) Subject to the general or special orders of the Government, a Zilla Panchayat may,-

(a) incur expenditure on education or medical relief outside its jurisdiction;

(b) provide for carrying out any work or measure likely to promote the health, safety, education, comfort, convenience or social or economic or cultural well-being of the inhabitants of the district;

(c) contribute to associations of All India, State or Inter-State level, concerned with the promotion of local Government and to exhibitions, seminars and conferences within the district related to the activities of Grama Panchayat, Taluk Panchayat and Zilla Panchayat; and

(d) render financial or other assistance to any person for carrying on in the district any such activity which is related to any of the functions of the said bodies.

192. Control of unwieldy traffic:- Subject to the provisions of the Karnataka Traffic Control Act, 1960, a Zilla Panchayat may subject to such rules as may be prescribed and to the regulations framed by the Zilla Panchayat, notify that any road vested in it shall not be used by any vehicle of such form, construction, weight or size, or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway or to any construction thereon or risk or obstruction to other vehicles or to pedestrians except under the license issued by the Chief Executive Officer and in accordance with the regulations framed from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

193 Powers and Duties of the Adhyaksha:-The Adhyaksha of the Zilla Panchayat shall,-

(a) convene, preside at and conduct meetings of the Zilla Panchayat;

(b) discharge all duties imposed and exercise all the powers conferred on him by or under this Act or perform such functions entrusted to him by the Government from time to time;

(c) exercise such administrative supervision and control over the Chief Executive Officer for securing implementation of resolutions or decisions of the Zilla Panchayat or of the Standing Committees which are not inconsistent with the provisions of this Act, or any general or specific directions issued under this act ;

(d) exercise overall supervision over the financial and executive administration of the Zilla Panchayat and place before the Zilla Panchayat all questions connected therewith which shall appear to him to require its orders and for this purpose may call for records of the Zilla Panchayat; and

(e) have power to accord sanction up to a total sum of rupees one lakh in a year for the purpose of providing immediate relief to those who are affected by natural calamities in the district:

Provided that the Adhyaksha shall place at the next meeting of the Zilla Panchayat for its ratification, the details of such sanctions.

194. Powers and duties of the Upadhyaksha:— The Upadhyaksha of the Zilla Panchayat shall,—

a) exercise the powers and perform the functions of the Adhyaksha when he is absent on leave or incapacitated from functioning and

b) in the absence of the Adhyaksha, preside over the meetings of the Zilla Panchayat.

195. Mode of making contracts:—(1) Every contract or agreement entered into on behalf of the Zilla Panchayat, shall be binding on the Zilla Panchayat only if the said contract or agreement is executed in accordance with the provisions of this section.

(2) The Chief Executive Officer shall execute contracts or agreements on behalf of the Zilla Panchayat in respect of matters which he is empowered to carry out under the provisions of this Act. He may execute such contract or agreement on behalf of the Zilla Panchayat upto such amount of value of contract or agreement as may be specified by the Government from time to time. In all other cases he shall execute a contract or agreement only with the sanction of the Zilla Panchayat.

CHAPTER XII

STAFF OF ZILLA PANCHAYAT

196. Chief Executive Officer and Other Officers :-

(1) The Government shall appoint an Officer not below the rank of the Deputy Commissioner of a district as Chief Executive Officer of the Zilla Panchayat.

(2) The Government shall also appoint a Chief Accounts Officer and one or more Deputy Secretaries for each Zilla Panchayat.

(3) The Government shall post from time to time to work under every Zilla Panchayat such number of other officers and officials of the State Government (including any officers and officials appointed to such services from amongst person employed by existing local authorities) and officers of the All India Services as the Government considers necessary.

(4) Notwithstanding anything contained in this Act or any other law for the time being in force the Government or any other officer or other authority authorised by it in this behalf shall have power to effect transfer of the officers and officials so posted either within the district or from one district to another district.

(5) The Government may as from the specified day constitute such services for each Zilla Panchayat as may be prescribed.

197. Functions, Powers and Duties of the Chief Executive Officer and Other Officers:-(1) Save as otherwise expressly provided by or under this Act, the Chief Executive officer shall,-

(a) exercise all the powers specially imposed or conferred upon him by or under this Act, or under any other law for the time being in force;

(b) lay down the duties of and supervise and control the officers and officials of, or holding office under the Zilla Panchayat in accordance with rules made by the Government;

(c) supervise and control the execution of all works of the Zilla Panchayat;

(d) take necessary measures for the speedy execution of all works and developmental schemes of the Zilla Panchayat;

(e) have custody of all papers and documents connected with the proceedings of the meetings of the Zilla Panchayat and its Committees;

(f) draw and disburse monies out of the Zilla Panchayat Fund; and

(g) exercise such other powers and discharge such other functions as may be prescribed.

(2) The Chief Executive Officer shall attend every meeting of the Zilla Panchayat and shall have right to attend the meeting of any committee thereof and to take part in the discussion but shall not have the right to move any resolution or to vote. If in the opinion of the Chief Executive Officer any proposal before the Zilla Panchayat is violative of or inconsistent with the provisions of this Act or any other law or the rules or order made thereunder, it shall be his duty to bring the same to the notice of the Zilla Panchayat.

(3) The Chief Executive Officer shall within fifteen days from the date of the meeting of the Zilla Panchayat or of any of its committees submit to the Government every resolution of the Zilla Panchayat or any of its committees which in his opinion is inconsistent with the provisions of this Act or any other law and he shall not implement such resolution otherwise than as decided by the Government.

(4) The Chief Accounts Officer shall advise the Zilla Panchayat in matters of financial policy and shall be responsible for all matters relating to the accounts of the Zilla Panchayat including the preparation of the annual accounts and budget.

(5) The Chief Accounts Officer shall ensure that no expenditure is incurred except under proper sanction and in accordance with this Act and the rules and regulations made thereunder and shall disallow any expenditure not warranted by the Act or the rules or regulations for which no provision is made in the budget.

(6) The Deputy Secretary shall assist the Chief Executive Officer in the performance of his duties.

198. Chief Executive Officer's right to requisition records, etc:- (1) Every person in possession of moneys, accounts, records or other property pertaining to a Grama Panchayat or Taluk Panchayat or Zilla Panchayat shall on the requisition in writing of the Chief Executive Officer for this purpose, forthwith handover such moneys or deliver up such accounts, records or other property to the Chief Executive Officer or the person authorised in the requisition to receive the same.

(2) The Chief Executive Officer may also take steps to recover any money due by such person in the same manner and subject to the same provisions as in the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the recovery of the arrears of land revenue from defaulters; and for the purpose of recovering the accounts, records or other property appertaining to the Grama Panchayat or Taluk Panchayat or Zilla Panchayat may issue a search warrant and exercise all such powers with respect thereto as may lawfully be exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(3) Every person knowing where any moneys, accounts, records or other property appertaining to a Grama Panchayat or Taluk Panchayat or Zilla Panchayat are concealed, shall be bound to give information of the same to the Chief Executive Officer.

(4) An appeal shall lie from an order of the Chief Executive Officer under this section to the Commissioner.

CHAPTER-XIII

TAXES AND FEES

199. levy of Taxes, Rate, etc., by Grama Panchayats:-

(1) Every Grama Panchayat shall in such manner and subject to such exemptions as may be prescribed and not exceeding the maximum rate specified in Schedule-IV levy tax upon buildings and lands which are not subject to agricultural assessment, within the limits of the Panchayat area:

Provided that where an owner of the building or land has left the Panchayat area or cannot otherwise be found, the occupier of such building or land shall be liable for the tax leviable on such owner

(2) A Grama Panchayat may levy water rate for supply of water for drinking and other purposes.

(3) A Grama Panchayat may also levy all or any of the following taxes and fees at such rates as the Grama Panchayat may by bye-laws determine but not exceeding the maximum specified in Schedule-IV and in such manner and subject to such exemptions as may be prescribed, namely;

(a) tax on entertainment other than cinematograph shows;

(b) tax on vehicles, other than motor vehicles;

(c) tax on advertisement and hoarding;

(d) pilgrim fee on persons attending the Jatras, festivals, etc., where necessary arrangement for water supply, health and sanitation are made by the Grama Panchayats ;

(e) market fee on persons who expose their goods for sale in any market place;

(f) fee on the registration of cattle brought for sale in any market place.

(g) fee on buses and taxies and auto-stands provided adequate facilities are provided for the travellers by the Grama Panchayat; and

(h) fee on grazing cattle in the grazing lands.

200. Recovery of Taxes and Other Dues:-(1) When any tax, cess, rate or fee becomes due, Grama Panchayat shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the amount due from him, specifying the date on or before which amount shall be paid.

(2) If any person fails to pay any tax or fee or any other sum due to the Grama Panchayat under this Act or the rules or bye-laws on or before the specified date of payment the Grama Panchayat shall cause a notice of demand in the prescribed form to be served on the defaulter.

(3) The presentation of every bill under sub-section (1) and the service of every notice of demand under sub-section (2), shall be effected by the Secretary or an officer duly authorised by him in this behalf,-

(a) by giving or tendering the bill or notice to the person to whom it is addressed; or

(b) If such person is not found, by leaving the bill or notice at his last known place of abode, if within the limits of the Panchayat area or by giving or tendering the bill or notice to some adult member or servant of his family; or

(c) if such person does not reside within the limits of the panchayat area and his address elsewhere is known to the person directing the issue of the bill or notice, then by forwarding the bill or notice to such person by registered post, under cover bearing the said address; or

(d) if none of the means aforesaid be available then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

(4) If the tax, rate, fee or other amounts for which a notice of demand has been served is not paid within thirty days from the date of such service, the Grama Panchayats may recover the amount due along with a penalty of ten per cent of the sum due, by distraint and sale of the movable property of the defaulter in the prescribed manner.

(5) Fees for,-

(a) every distraint made under sub-section(4)

(b) every notice of demand issued under sub-section (2),

(c) the cost of maintaining any live -stock seized under sub-section (4), shall be chargeable at such rates as may be prescribed.

(6) Notwithstanding anything contained in the foregoing sub-sections, any tax, rate or fee payable to a Grama Panchayat shall be recoverable as an arrears of land revenue.

201. Appeal against assessment etc.:- Subject to such rules as may be prescribed, any person aggrieved by the assessment, levy or imposition of any tax, rate or fee under Section 199 may appeal to the prescribed authority, whose decision shall be final.

202. Composition of taxes in factory areas: (i) Subject to such rules as may be prescribed, when the owner of any industry or factory established in any Panchayat area provides sanitary and other amenities for the buildings and land used for the industry or as factory quarters for employees and for other purposes connected with the undertaking the Grama Panchayat may in lieu of the taxes, rates or fees., payable under this Act in respect of such buildings and lands receive such amount annually as may

be agreed upon between the Grama Panchayat and such owner.

(2) Where no such agreement as is referred to in sub-section (1) can be reached, the matter may be referred to the Zilla Panchayat and the Zilla Panchayat may, after giving to the Grama Panchayat and the owner concerned an opportunity of being heard, determine the amount payable by such owner and such determination shall be binding on the Grama Panchayat and such owner.

(3) The Zilla Panchayat may by notification direct that the provisions of sub-section (1) shall be applicable to such other establishments as may be specified in such notification.

203. Agency for Collection:- The tax, rate, fee or other amount payable to the Grama Panchayat may be collected by such agency as the Panchayat may appoint in this behalf, provided that it shall be lawful for a Grama Panchayat to lease the right to levy and collect any tax, rates, fees or other amount that may be imposed under this Act, by public auction or by tender, subject to the rules prescribed and the amount due under such lease shall be recoverable in the manner provided in this chapter.

CHAPTER - XIV

LEVY OF CESSES ETC, AND GRANT OF FINANCIAL ASSISTANCE BY GOVERNMENT

204. Levy of local cess etc.:- (1) The Government may levy a local cess at the rate equal to the land revenue on all items of land revenue.

(2) The provisions of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) and the rules, notifications and orders made thereunder shall be applicable for payment and recovery of the local cess levied under this section as if the local cess is in addition to the land revenue payable in respect of the land concerned.

(3) The entire amount collected under sub-Section (1) from a Panchayat area shall be passed on to the Grama Panchayat of that area.

205. Surcharge on Stamp Duty:-(1) The Government may levy a surcharge on the duty imposed by the Karnataka Stamp Act, 1957, on instruments of sale, gift, mortgage, exchange and lease in perpetuity of immovable properties situated within the area of a Taluk Panchayat at a rate not exceeding three percent on, as the case may be, the amount of the consideration for the sale, the value of the property in the case of a gift, or the amount secured by the mortgage, the value of the property of the greater value in the case of exchange, or the value of the rent for the first ten years in the case of a lease, as set forth in the instrument:

Provided that no surcharge is leviable in respect of a mortgage where the amount secured by a mortgage does not exceed two thousand rupees;

Provided further that no surcharge shall be chargeable in respect of any instrument exempt from stamp duty under the Karnataka Stamp Act, 1957.

(2) The Government may, by notification, specify the rate of surcharge leviable under sub-section (1), from time to time.

(3) On the introduction of the surcharge, Section 28 of the Karnataka Stamp Act, 1957 shall be read as if it specifically required the particulars to be set forth separately in respect of the property situated within and without the limits of a Taluk.

(4) The entire amount collected under sub-section (1) as surcharge on stamp duty in respect of the lands and other properties situated in the Taluk shall be passed on to the Taluk Panchayats in the State in proportion to the population of the Taluk.

(5) The Government may make rules for regulating collection of surcharge on stamp duty and the payment thereof.

206. Grant to Grama Panchayats :- The Government shall make annually a grant of one lakh rupees to each Grama Panchayat which shall be utilised for meeting the electricity charges, maintenance of water supply schemes, sanitation and other welfare activities. No part of this grant shall be spent towards establishment expenses not related to the aforesaid purposes.

207. Establishment Grant to Taluk Panchayats and Zilla Panchayats:- The Government shall make a grant to every Taluk Panchayat and Zilla Panchayat to cover the expenses of establishment at such scale as may be determined by it.

208. Discretionary Grant:- The Government may make discretionary grant to the Grama Panchayats, Taluk Panchayats and Zilla Panchayats for such purposes and on such terms and conditions as may be decided by it.

CHAPTER XV

PROPERTIES AND FUNDS OF PANCHAYATS

209. Grama Panchayat may acquire, hold and dispose off property, etc:- The power of the Grama panchayat to acquire, hold and dispose off property both movable and immovable whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purpose of this Act, shall be subject to the rules made by the Government in this behalf :

Provided that no lease of immovable property for a term exceeding five years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Taluk Panchayat.

210. Vesting of Property in Grama Panchayat:-(1) It shall be competent for the Government, a Zilla Panchayat or Taluk Panchayat with the concurrence of the Grama Panchayat from time to time to direct that any property vesting in the Government, Zilla Panchayat or Taluk Panchayat, as the case may be, shall vest in the Grama Panchayat either conditionally or otherwise.

Provided that no lease, sale or other transfer of any such immovable property by the Grama Panchayat shall be valid without the previous sanction of the Government, the Zilla Panchayat or the Taluk Panchayat, as the case may be.

(2) Every work constructed by a Grama Panchayat out of the Grama Panchayat fund shall vest in such Grama Panchayat.

Provided that, the Government may, if it deems fit, declare by Order that such road, building or other works vested in the Grama Panchayat shall stand transferred to and vest in, the Taluk Panchayat, Zilla Panchayat or the Government as the case may be.

(3) All rubbish, sewage, filth and other matter collected by a Grama Panchayat under this Act shall belong to it.

211. Decision of Claims to property by or against Grama Panchayat:-(1) In any Village to which a survey of lands other than lands ordinarily used for the purpose of agriculture only has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the Grama Panchayat, or by any person as against the Grama Panchayat, it shall be lawful for the Assistant Commissioner after enquiry of which due notice has been given, to pass an order deciding the claims

(2) Any person aggrieved by an order made under sub section (1) may appeal to the Deputy Commissioner and the decision of the Deputy Commissioner shall be final.

(3) Any person shall be deemed to have had notice of any enquiry or order under this section if notice has been given in the prescribed manner.

212. Grama panchayat Fund:-(1) There shall be for each Grama Panchayat a fund called the Grama Panchayat Fund.

(2) The following shall form part of, or be paid into the Grama Panchayat Fund, namely,-

(a) The amount which may be granted or passed on to the Grama Panchayat by the Government or the Zilla Panchayat or Taluk Panchayat under the provisions of this Act or any other Act, or on any other account;

(b) the proceeds of any tax, rate and fee imposed by the Grama Panchayat;

(c) all sums received by the Grama Panchayat by way of loans or contributions from the Government or any other authority or person or by way of gift.;

(d) the rent or other income from, or sale proceeds of any immovable or movable property owned by or vesting in the Grama Panchayat; and

(e) all other sums received from any source whatsoever,

(3) The amounts at the credit of the Grama Panchayat Fund shall be kept in the Government Treasury of the Taluk or with the approval of the Executive Officer in any scheduled bank or a co-operative bank situated in the Panchayat area or the neighbouring Panchayat area.

213. Application of Grama Panchayat Fund and Property:-(1) Subject to the provisions of this Act and rules made thereunder and such general or special orders of the Government, all property owned by or vested in the Grama Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purposes specified in Sections 58 and 59 and for all other purposes for which by or under this Act, or any other law for the time being in force, powers are conferred or duties are imposed upon the Grama Panchayat:

Provided that no expenditure shall be incurred out of the Grama Panchayat fund unless provision therefor has been made in the budget of the Grama Panchayat or funds are obtained by reappropriation duly approved, except in such cases as may be prescribed:

Provided further that not less than twenty per cent of the funds meant for welfare activities shall be utilised for the welfare of the Scheduled Castes and Scheduled tribes.

(2) The Grama Panchayat Fund shall also be utilised for the following purposes.-

(i) payment of salaries and allowances to the Adhyaksha and Upadhyaksha, officers and staff, travelling allowance, daily allowance, and sitting fees to the members of the Grama Panchayat or any Committee thereof, subject to such rules as may be prescribed.

(ii) any amount falling due on any loan raised by the Grama Panchayat;

(iii) with the previous sanction of the Chief Executive Officer, for any other purpose for which the application of such property or fund is necessary in public interest:

Provided that any amount granted to the Grama Panchayat by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify either generally or specially in this behalf.

214. Grama Panchayat may raise loans and form a sinking fund:- A Grama Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund in the prescribed manner for the repayment of such loans.

215. Taluk Panchayat may acquire, hold and dispose off property etc:- The power of every Taluk Panchayat to acquire, hold and dispose off property both movable and immovable whether within or without the limits of the area over which it has authority to lease, sell or otherwise

transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act, shall be subject to such rules as may be prescribed:

Provided that no lease of immovable property for a term exceeding five years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Zilla Panchayat.

216. Vesting of property in Taluk Panchayat:-(1) It shall be competent for the Government or a Zilla Panchayat with the concurrence of the Taluk Panchayat from time to time to direct that any property vesting in the Government or the Zilla Panchayat, as the case may be, shall vest in the Taluk Panchayat:

Provided that no lease, sale or transfer of any such immovable property by the Taluk Panchayat shall be valid without the previous sanction of the Government or the Zilla Panchayat, as the case may be.

(2) Every work constructed by the Taluk Panchayat out of Taluk Panchayat Fund shall vest in such Taluk Panchayat:

Provided that the Government may, if it deems fit, declare by order that such road, building or other works, vested in Taluk Panchayat, shall stand transferred to and vest in, the Zilla Panchayat or the Government as the case may be.

217. Decision of Claims to property by or against Taluk Panchayat:- (1) In any Taluk to which a survey of lands other than lands ordinarily used for the purpose of agriculture only, has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the Taluk Panchayat, or by any person as against the

Taluk Panchayat it shall be lawful for the Deputy Commissioner, after enquiry of which due notice has been given, to pass an order deciding the claims.

(2) Any person aggrieved by an order made under sub-section (1) may appeal to the Commissioner and the decision of the Commissioner shall be final.

(3) Any person shall be deemed to have had due notice of any enquiry or order under this section if notice has been given in the prescribed manner.

218. Taluk Panchayat Fund:-(1) There shall be for each Taluk Panchayat a fund called the Taluk Panchayat Fund.

(2) The following shall form part of, and be paid into the Taluk Panchayat Fund, namely-

(a) the amount which may be granted or passed on to the Taluk Panchayat by the Government or the Zilla Panchayat, under the provisions of this or any other Act or on any other account :

(b) the proceeds of any fees imposed by the Taluk Panchayat:

(c) all sums received by the Taluk Panchayat by way of contributions from the Government or any other authority or person or by way of gift;

(d) the rent or other income from, or sale proceeds of, any immovable or movable property owned by or vesting in the Taluk Panchayat ; and

(e) all other sums received from any source whatsoever:

Provided that sums received by way of endowment for any specific purpose shall not form part of or be paid into the Taluk Panchayat Fund.

(3) The amounts at the credit of the 'Taluk Panchayat Fund' shall be kept in the Government Treasury of the Taluk.

219. Application of Taluk Panchayat Fund and Property:-

(1) Subject to the provisions of this Act and the rules made thereunder and such general or special orders as the Government may make, all property owned by or vested in the Taluk Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purposes specified in Section 145 and 146 and for all other purposes for which by or under this Act or any other law for the time being in force, powers are conferred or duties are imposed upon the Taluk Panchayat:

Provided that no expenditure shall be incurred out of the Taluk Panchayat Fund unless provision therefor has been made in the budget of the Taluk Panchayat or funds are obtained by reappropriation duly approved, except in such cases as may be prescribed :

Provided further that not less than twenty per cent of the funds meant for welfare activities shall be utilised for the welfare of the Scheduled Castes and Scheduled Tribes.

(2) The Taluk Panchayat Fund shall also be utilised for the following purposes.-

(i) payment of salaries and allowances to the Adhyaksha and Upadhyaksha, Officers and Staff, travelling allowance, daily allowance. and sitting fees to the members of the Taluk Panchayat or any Committee thereof, subject to such rules as may be made in this behalf by the Government;

(ii) any amount falling due on any loan raised by the Taluk Panchayat;

(iii) with the previous sanction of the Commissioner, for any other purpose for which the application of such property or fund is necessary in public interest:

Provided that any amount granted to the Taluk Panchayat by the Government or any person or local authority

for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify either generally or specially in this behalf.

220. Taluk Panchayat may raise loans and form a sinking fund:- A Taluk Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund in the prescribed manner for the repayment of such loans.

221. Rents and Fees:- Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Taluk Panchayat may charge fees for any license or permission issued by it under this Act, and the rules made thereunder and levy rent and fee for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Taluk Panchayat fund.

222. Zilla Panchayat may acquire, hold and dispose off property etc:- The power of every Zilla Panchayat to acquire, hold and dispose property both movable land immovable whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purpose of this Act, shall be subject to the rules made by the Government in this behalf :

Provided that no lease of movable property for a term exceeding five years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Government.

223. Vesting of property in Zilla Panchayat:- (1) It shall be competent for the Government with concurrence of the Zilla Panchayat from time to time, to direct that any property vesting in the Government shall vest in the Zilla Panchayat:

Provided that no lease, sale or transfer of such immovable property by the Zilla Panchayat shall be valid without the previous sanction of the Government.

(2) Every work constructed by the Zilla Panchayat out of Zilla Panchayat Fund shall vest in such Zilla Panchayat:

Provided that the Government may, if it deems fit, declare by order that such road, buildings or other works vested in the Zilla Panchayat, shall stand transferred to, and vest in, the Government.

224. Decision of Claims to property by or against Zilla Panchayat:- (1) In any district to which a survey of lands other than lands ordinarily used for the purpose of agriculture only, has been or shall be extended under any law for the time being in force, where any property is claimed by or on behalf of the Zilla Panchayat, or by any person as against the Zilla Panchayat, it shall be lawful for the Deputy Commissioner, after enquiry of which due notice has been given, to pass an order deciding the claims.

(2) Any person aggrieved by an order made under sub-section (i), may appeal to the Commissioner and the decision of the Commissioner shall be final.

(3) A person shall be deemed to have had due notice of any enquiry or order under this section if notice has been given in the prescribed manner.

225. Zilla Panchayat Fund:- There shall be for each Zilla Panchayat a fund called Zilla Panchayat Fund and the following shall form part of, or be paid into, the Zilla Panchayat fund, namely-

(i) The amounts transferred to the Zilla Panchayat Fund by appropriation from out of the Consolidated Fund of the State;

(ii) all grants, assignments, loans and contributions made by the Government;

(iii) all fees and penalties paid to or levied by or on behalf of the Zilla Panchayat under this Act and all fines imposed under this act;

(iv) all rents from lands or other properties of the Zilla Panchayat;

(v) all interests, profits and other moneys accruing by gifts, grants, assignments or transfers from private individuals or institutions;

(vi) all proceeds of lands, securities and other properties sold by the Zilla Panchayat;

(vii) all sums received by or on behalf of the Zilla Panchayat by virtue of this Act:

Provided that sums received by way of endowments for any specific purpose shall not form part of or be paid into the Zilla Panchayat Fund.

226. Custody and investment of Zilla Panchayat Fund:-

(1) The amounts at the credit of the Fund shall be kept in the Government Treasury.

(2) It shall be lawful for a Zilla Panchayat to deposit at interest with the Government Savings Bank or with the sanction of the Government, any scheduled bank or co-operative bank in the State, any surplus funds in its hands which may not be required for current charges and with like sanction to invest such funds in securities of the Government of India or the State Government or in such other securities as the Government may, from time to time, approve in this behalf and to vary such investment or dispose of such securities with like sanction.

227. Application of Zilla Panchayat Fund and Property:-

(1) Subject to the provisions of this Act and the rules made thereunder and such general or special orders as the Government may make, all property owned by or vested in the Zilla Panchayat under this Act and all funds received by it and all sums accruing to it under the provisions of this Act or any other law for the time being in force, shall be applied for the purposes specified in Section 184 and 185 and for all other purposes for which by or under this Act or any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat:

Provided that no expenditure shall be incurred out of the Zilla Panchayat Fund unless provision therefor has been made in the budget of the Zilla Panchayat or funds are obtained by reappropriation duly approved, except in such cases as may be prescribed:

Provided further that not less than twenty per cent of the funds meant for welfare activities shall be utilised for the welfare of the Scheduled Castes and Scheduled Tribes.

(2) The Zilla Panchayat Fund and all property held or vested in the Zilla Panchayat under this Act shall be applied, subject to the provisions of this Act for the payment of,-

(a) salaries and allowances to the Adhyaksha and the Upadhyaksha and travelling and daily allowances to the Adhyaksha and Upadhyaksha for tours outside the district and travelling and daily allowance to the members of the Zilla Panchayat or any committee thereof subject to such rules as may be made in this behalf by the Government;

(b) the salaries, allowances, pensions and gratuities of its officers and employees other than those whose salaries and allowances are paid from the Consolidated Fund of the State ;

(c) any amounts falling due on any loans contracted by the Zilla Panchayat ;

(d) for the purposes specified in the Act :

(e) all other purposes for which by or under this Act or the rules or regulations made thereunder or by or under any other law for the time being in force, powers are conferred or duties are imposed upon the Zilla Panchayat;

(f) with the previous sanction of the Government, for any other purpose for which the application of such property or fund is necessary in public interest :

Provided that any fund granted to the Zilla Panchayat by the Government or any person or local authority for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may specify either generally or specially in this behalf.

228. Rents and Fees:- Save as otherwise provided in this Act and subject to the regulations made in this behalf, a Zilla Panchayat may charge fee for any license or permission issued by it under this Act, and the rules made thereunder and levy rent and fee for the occupation or use of land or other property placed under its control or vested in it or maintained out of the Zilla Panchayat Fund.

229. Zilla Panchayat may raise loans and form a Sinking Fund:- A Zilla Panchayat may, with the previous sanction of the Government and subject to the conditions imposed by it from time to time, raise loans for the execution of any work or for the purpose of carrying out any of the provisions of this Act and form a sinking fund for the repayment of such loans.

230. Prohibition of Expenditure not covered by the Budget:- Except as hereinafter provided, no payment of any sum shall be made out of the Zilla Panchayat fund, unless the expenditure of the same is covered by a budget grant except in the following cases, namely-

(a) refund of moneys which the Zilla Panchayat is authorised to make under this Act or the rules or regulations made thereunder ;

(b) repayment of moneys belonging to the contractors or other persons held in deposit and of moneys credited to the Zilla Panchayat fund by mistake;

(c) sums which the Zilla Panchayat is required or empowered by this Act to pay by way of compensation ;

(d) every sum payable-

(i) under this Act by order of the Commissioner or the Government;

(ii) under a decree or order of a civil court;
and

(iii) under a compromise of any suit or other legal proceedings or claim.

231. Government may place Roads and Other Property under Zilla Panchayat:- (1) It shall be lawful for the Government from time to time to direct, by notification, that any road, bridge, channel, building or other property, movable or immovable, which is vested in the Government and which is situated in the district, shall with the consent of the Zilla Panchayat and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the Zilla Panchayat for the purposes of the Act and thereupon such road, bridge, channel buildings or other property shall be under the control and administration of the Zilla Panchayat, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

(2) It shall be competent for the Government by notification to resume any property placed under the control of a Zilla Panchayat under sub-section (1) on such terms as the Government may determine.

CHAPTER XVI

INSPECTION, SUPERVISION ETC.

232. Power of inspection and Supervision:- The Secretary, Rural Development and Panchayat Raj Department or the Commissioner in case of the Zilla Panchayat, Chief Executive Officer in case of Taluk Panchayat and the Executive Officer in case of the Grama Panchayat may,-

(a) inspect the offices or premises of or works taken up by, any Zilla Panchayat, Taluk Panchayat or Grama Panchayat and for this purpose examine or cause to be examined the books of accounts, registers and other documents concerned and the Zilla Panchayat, Taluk Panchayat or Grama Panchayat concerned shall comply with the instructions issued after such inspections ;

(b) call for any return, statement, account or report which he may think fit to require the Zilla Panchayat, Taluk Panchayat or Grama Panchayat concerned to furnish.

233. Technical Supervision and Inspection:- (1) The Heads of Departments concerned and the Officers incharge of the Departments at the Divisional level may inspect works or development schemes relating to that department under the control of any Zilla Panchayat, Taluk Panchayat or Grama Panchayat and also to inspect relevant documents pertaining to such work or development scheme in the manner specified by the Government.

(2) The scope of such inspections may cover technical aspect including feasibility, economic viability, the technical quality of the work, and the expenditure being incurred.

(3) The notes of inspections by such Officers after such inspections shall be forwarded to the Chief Executive Officer, Executive Officer or the Secretary, as the case may be, for appropriate action:

234. Commissioner and Chief Executive Officer's powers in respect of Grama Panchayat, Taluk Panchayat and Zilla Panchayat:- (1) The Chief Executive Officer may in respect of Taluka Panchayat and Grama Panchayat exercise the following powers.-

(a) call for proceedings of any Grama Panchayat or Taluk Panchayat or any extract of any book or document in the possession or under the control of the Grama Panchayat or Taluk Panchayat or any return or statement of account or report;

(b) require a Grama Panchayat or Taluk Panchayat to take into consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such Grama Panchayat or Taluk Panchayat or any information which appears to him to necessitate the doing of anything by such Grama Panchayat or Taluk Panchayat or within such period as he might fix;

(c) order a duty to be performed within a specified period if a Grama Panchayat or Taluk Panchayat has made default in the performance of any duty and if such duty is not performed within the specified period, to appoint a person to perform such duty and direct that the expenses thereof shall be paid by the defaulting Grama Panchayat or Taluk Panchayat within such period as he might fix;

(d) direct a Grama Panchayat to levy any tax if it has failed to do so in accordance with the provisions of this Act;

(e) call for meetings of the Grama Panchayat, or Taluk Panchayat or any of its committees if no meeting of the Grama Panchayat or Taluk Panchayat or its committees has been held as per the Act or rules;

(2) The Grama Panchayat or Taluk Panchayat may appeal to the Commissioner against any order under

clauses (c) of sub-section (1) by the Chief Executive Officer within thirty days from the date of the order.

(3) The Commissioner may in respect of Zilla Panchayat exercise the following powers.-

(a) call for proceedings of any Zilla Panchayat or any extract of any book or document in the possession or under the control of the Zilla Panchayat or any return or statement of account or report;

(b) require a Zilla Panchayat to take into consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such Zilla Panchayat or any information which appears to him to necessitate the doing of anything by such Zilla Panchayat or within such period as he might fix;

(c) order a duty to be performed within a specified period if a Zilla Panchayat has made default in the performance of any duty and if such duty is not performed within the specified period, to appoint a person to perform such duty and direct that the expenses thereof shall be paid by the defaulting Zilla Panchayat within such period as he might fix;

(d) call for meetings of the Zilla Panchayat or any of its committees if no meeting of the Zilla Panchayat or its committees has been held as per the Act or rules;

(4) The Zilla Panchayat may appeal to the Government against any order under clause (c) of sub-section (3) by the Commissioner within thirty days from the date of the order

235. Power of Government, Commissioner and Chief Executive Officer to provide for performance of Duties in default of Grama Panchayat, Taluk Panchayat or Zilla Panchayat:- When the Government in case of a Zilla Panchayat, Commissioner in case of a Taluk Panchayat and Chief Executive Officer in case of a Grama

Panchayat is informed on complaint made or otherwise, that any Zilla Panchayat or Taluk Panchayat or Grama Panchayat has made default in performing any duty imposed on it, by or under this Act, or by or under any law for the time being in force and if satisfied, after due enquiry that any Zilla Panchayat, Taluk Panchayat or Grama Panchayat has failed in the performance of such duty, it or he may fix a period for the performance of that duty :

Provided that no such period shall be fixed unless the Zilla Panchayat, Taluk Panchayat or Grama Panchayat concerned has been given an opportunity to show-cause why such an order shall not be made.

236. Inquiry into affairs of Grama Panchayat, Taluk Panchayat, Zilla Panchayat by the Government:- (1) The Government may, at any time for reasons to be recorded, cause an inquiry to be made by any of its officers in regard to any Grama Panchayat, Taluk Panchayat, or Zilla Panchayat, on matters concerning it, or any matters with respect to which the sanction, approval, consent or orders of the Government is required under this Act.

(2) The Officer holding such inquiry shall have the powers of the Civil Court under the Code of Civil Procedure, 1908 to take evidence and to compel attendance of witnesses and production of documents for the purpose of the inquiry.

(3) The Government may make orders as to the costs of inquiries made under sub-section (i) and as to the parties by whom and the funds out of which they shall be paid and such order may, on the application of the Commissioner or of any person named therein be executed as if it were a decree of a Civil Court.

237. Power of Suspending Execution of Unlawful Orders or Resolution:- (1) If in the opinion of the Chief Executive Officer, the execution of any order or resolution

of a Grama Panchayat or any order of any authority or officer of the Grama Panchayat or the doing of anything which is about to be done, or is being done, by or on behalf of a Grama Panchayat is unjust, unlawful or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of peace, he may by order suspend the execution or prohibit the doing thereof.

(2) When the Chief Executive Officer makes an order under sub-section(1), he shall forthwith forward to the Commissioner and the Grama Panchayat affected thereby a copy of the order with a statement of the reasons for making it, and the Commissioner may confirm or rescind the order or direct that it shall continue to be in force with or without modification permanently or for such period as he thinks fit:

Provided that no order of the Chief Executive Officer passed under sub-section (1) shall be confirmed, revised or modified by the Commissioner without giving the Grama Panchayat concerned a reasonable opportunity of showing cause against the proposed order.

(3) If in the opinion of the Commissioner, the execution of any order or resolution of a Taluk Panchayat or any order of any authority or officer of the Taluk Panchayat or the doing of anything which is about to be done, or is being done, by or on behalf of a Taluk Panchayat is unjust, unlawful or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of peace, he may by order suspend the execution or prohibit the doing thereof.

(4) When the Commissioner makes an order under sub-section (3), he shall forthwith forward to the Government and the Taluk Panchayat affected thereby a copy of the order with a statement of the reasons for making it, and the Government may confirm or rescind the order or direct that it shall continue to be in force with or without

modification permanently or for such period as he thinks fit :

Provided that no order of the Commissioner passed under sub-section(3) shall be confirmed, revised or modified by the Government without giving the Taluk Panchayat concerned a reasonable opportunity of showing cause against the proposed order.

(5) If on the receipt of a report from the Chief Executive Officer in this behalf or otherwise the Government is of the opinion that execution of any order or resolution of Zilla Panchayat or the doing of anything which is about to be done or is being done, by or on behalf of a Zilla Panchayat is unjust, unlawful, or improper or is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace, it may, by an order suspend the execution or prohibit the doing thereof:

(6) When the Government makes an order under sub-section (5), it shall forthwith forward to the Zilla Panchayat affected thereby a copy of the order with a statement of reasons for making it and the Government may confirm or rescind the order or direct that it shall continue to be in force with or without modification permanently or for such period as it thinks fit.

Provided that no order under this sub-section shall be passed by the Government without giving the Zilla Panchayat concerned, a reasonable opportunity of showing cause against the said order.

238. Purchase of Stores and Equipments:- (1) The Government may by general or special order provide for all or any of the following matters, namely.-

(a) the manner in which purchase of stores, equipments, machineries and other articles required by a Zilla Panchayat, Taluk Panchayat or Grama Panchayat shall be made by them;

(b) the manner in which tender for works contracts and supplies shall be invited and examined and accepted;

(c) the manner in which works and development schemes may be executed and inspected and payment may be made in respect of such works and scheme; and

(d) constitution of committee for the purpose of this section.

(2) Save as otherwise expressly provided in sub-section (1) in respect of all other matters relating to drawal of funds, form of bills, incurring of expenditure, maintenance of accounts, rendering of accounts and such other matters, the rules of implementation as applicable to Departments of the Government shall *mutatis mutandis* apply.

239. Power to appoint Administrator in certain cases:-

(1) Whenever,

(a) any general election to a Zilla Panchayat or Taluk Panchayat under this Act or any proceedings consequent thereon has been stayed by an order of a competent court or authority; or

(b) all the members or more than two-thirds of the members of a Zilla Panchayat or Taluk Panchayat have resigned,

the Government shall by notification in the official Gazette appoint an Administrator for such period as may be specified in the notification and may, by like notification, curtail or extend the period of such appointment, so however the total period of such appointment shall not exceed six months.

(2) Notwithstanding anything contained in this Act, on the appointment of an Administrator under sub-section (1) during the period of such appointment, the Zilla Panchayat or Taluk Panchayat and the Committees thereof and the Adhyaksha or Upadhyaksha of such panchayat, charged with carrying out the provisions of this Act, or any

other law, shall cease to exercise any powers and perform and discharge any duties or functions conferred or imposed on them by or under this Act or any other law and all such powers shall be exercised and all such duties and functions shall be performed and discharged by the Administrator.

240. Government's Power to specify the role of Panchayats:- The Government may, by general or special order, specify from time to time, the role of Grama Panchayat, Taluk Panchayat and Zilla Panchayat in respect of the programmes, schemes and activities related to the functions specified in schedule I, II and III, in order to ensure properly co-ordinated and effective implementation of such programmes, schemes and activities.

CHAPTER XVII

FINANCIAL CONTROL AND AUDIT

241. Presentation of accounts and budget of Grama Panchayat:- (1) The Secretary shall prepare and lay before the Grama Panchayat at a meeting, which shall be held between the first day of February and the tenth day of March, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure, of the Grama Panchayat for the official year to commence on the first day of April next following.

(2) The Grama Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Grama Panchayat shall be sent to the Taluk Panchayat before such date as may be fixed by the Government.

(3) In such budget estimate, the Grama Panchayat shall among other things,-

(a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the Grama Panchayat by this Act or any other law;

(b) allow for a balance at the end of said year of not less than such sum or percentage of income as may from time to time, be fixed by the Government either generally for all Grama Panchayats or specially for any Grama Panchayat ;

(c) Provide for the payment, as they fall due, of all instalments of principal and interest for which the Grama Panchayat may be liable in respect of loans contracted by it.

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Taluk Panchayat may within two months from the date of receipt of the budget modify the same to secure compliance with this Act, the rules or the orders :

Provided that the Taluk Panchayat shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Grama Panchayat for the following year and the opening balance.

(5) If the Grama Panchayat fails to pass the budget estimate on or before the date mentioned in sub-section (1), the Secretary shall forward the budget estimate to the Taluk Panchayat and it shall approve it with or without modification. The budget as approved by the Taluk Panchayat shall be certified by the Executive Officer and thereupon shall be deemed to have been duly approved by the Grama Panchayat.

242. Revision of budget:- If, in the course of the official year, the Grama Panchayat finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modifications ;

Provided that no diversion of grants transferred by the Government out of the Consolidated Fund of the State can be made for a purpose or programme or scheme not covered under such grants.

Provided further that, without the approval of the Chief Executive Officer:-

(a) no reduction of over ten percent shall be made in the grants approved for any developmental functions of the Grama Panchayat, and

(b) The closing balance shall not be reduced below the sum fixed under clause (b) of sub-section (3) of section 241.

243. Maintenance of accounts and restriction of expenditure:- (1) Accounts of the income and expenditure of a Grama Panchayat shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Grama Panchayat Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) Grama Panchayat shall, within a period not exceeding three months after the close of the official year, pass the accounts of that year.

244. Transmission of accounts:- The Grama Panchayat shall, as soon as the annual accounts have been finally passed by it, transmit a copy thereof to the Zilla Panchayat in the form prescribed and shall furnish such details and vouchers relating to the same as the Zilla Panchayat may, from time to time, direct.

245. Power to write off irrecoverable amount:- Subject to such restrictions as may be prescribed, a Grama Panchayat may write off any tax, fee, rate or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith if, in its opinion, such tax, fee, rate or other amount or sum is irrecoverable:

Provided that, no sum exceeding one thousand rupees shall be written off except with the previous sanction of the Taluk Panchayat.

246. Audit of accounts:- (1) The accounts of every Grama Panchayat shall be audited each year by such officer as may be authorised by the Controller of State Accounts (hereinafter referred to as the auditor).

(2) The auditor shall, for the purpose of audit, have access to all the accounts and other records of the Grama Panchayat.

(3) The auditor may,-

(a) require in writing the production before him of such voucher, statements, returns, correspondence, notes or other documents which he may consider necessary for the proper conduct of his audit ;

(b) require in writing any person accountable for, or having the custody or control of, any such vouchers, statements, returns, correspondence, notes or documents or any person having directly or indirectly by himself or his partner, any share or interest in any contract with or under the Grama Panchayat, to appear in person before him ;

(c) require any person so appearing before him to make and sign a declaration with respect to such vouchers, statements, returns, correspondence, notes or documents or to answer any question or prepare and submit any statement :

(d) in the event of an explanation being required from the Adhyaksha or other member of the Grama Panchayat, in writing invite such person to meet him and shall in writing specify the point on which explanation is required.

(4) Any person who wilfully neglects or refuses to comply with any requisition lawfully made under sub-section (3), shall on conviction, be punished with fine which may extend to one hundred rupees :

Provided that no proceedings under this sub-section shall be instituted without the sanction of the Chief Executive Officer.

(5) The auditor shall, within one month after the completion of audit, forward a copy of the audit report to the Grama Panchayat and to the Executive Officer.

(6) On receipt of the audit report, the Grama Panchayat shall either remedy any defects or irregularities which have been pointed out in the report and send to the

Executive Officer within three months an intimation of its having done so, or shall within the same period furnish to the Executive Officer any further explanation in regard to such defects or irregularities.

(7) On receipt of such intimation or explanation in respect of all or any of the matters discussed in the audit report, the Executive Officer may, in consultation with the auditor,-

(a) accept the intimation or explanation given by the Grama Panchayat and order the withdrawal of the objection, or

(b) direct that the matter be reinvestigated at the next audit or at any earlier date, or

(c) direct that the defects or irregularities pointed out in the audit report or any of them shall be removed or remedied by the Grama Panchayat..

(8) The executive Officer may, after making such enquiry as he may consider necessary disallow any item of expenditure which appears to him to be contrary to law and surcharge the amount thereof on the person making or authorising the illegal payment and after taking the explanations of the person concerned, the Executive Officer may direct by an order in writing that such person shall pay to the Grama Panchayat the amount surcharged along with interest at fifteen percent per annum on the amount due, from the date from which it became due and if the amount is not paid within two months from the date of such order, the Executive Officer shall take steps to recover it as an arrears of land revenue and credit it to the Grama Panchayat Fund.

(9) Any person aggrieved by the order of the Executive Officer, under sub-section (8) may, within thirty days of the receipt by him of a copy of the decision, appeal to the Chief Executive Officer who shall pass such orders as he may deem fit.

(10) Any appeal under sub-section (9) pending before the Government on the date of commencement of the Karnataka Panchayat Raj Act, 1993 shall stand transferred to the Chief Executive Officer and such appeal shall be decided by him as if it had been filed before him.

(11) The Controller of State Accounts Department shall submit a summary of observations made in the audit report and rectifications made by the Grama Panchayats, to the Government.

247. Presentation of Accounts and Budget of Taluk Panchayat:- (1) The Finance, Audit and Planning Committee shall cause to be prepared and laid before the Taluk Panchayat at a meeting, which shall be held between the first day of February and the tenth day of March, a complete accounts of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure of the Taluk Panchayat for the official year to commence on the first day of April next following.

(2) The Taluk Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Taluk Panchayat shall be sent to the Zilla Panchayat before such date as may be fixed by the Government.

(3) In such budget estimate, the Taluk Panchayat shall among other things,

(a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the Taluk Panchayat by this Act or any other law;

(b) provide for the payment, as they fall due, of all instalments of principal and interest for which the

Taluk Panchayat may be liable in respect of loans contracted by it in time, be fixed by the Government either generally or for any Taluk Panchayat;

(c) allow for a balance at the end of said year of not less than such sum or percentage of income as from time to time, be fixed by the government either generally for all Taluk Panchayats or specially for any Taluk Panchayat.

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Zilla Panchayat may, within two months from the date of receipt of the budget, modify the same to secure compliance with the Act, the rules or the orders:

Provided that the Zilla Panchayat shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Taluk Panchayat for the following year and the opening balance.

(5) If the Taluk Panchayat fails to approve the budget estimate on or before the date mentioned in sub-section(1), the Executive Officer shall forward the budget estimate to the Zilla Panchayat and the Zilla Panchayat shall approve it with or without modification. The budget so approved by the Zilla Panchayat shall be certified by the Chief Executive Officer and thereupon shall be deemed to have been duly approved by the Taluk Panchayat.

248. Revision of budget:- If, in the course of the official year the Taluk Panchayat finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modifications :

Provided that no diversion of grants transferred by the Government out of the Consolidated Funds of the State can be made for a purpose or programme or scheme not covered under such grants :

Provided further that without the approval of the Commissioner,-

(a) no reduction of over ten percent shall be made in the grants approved for any developmental functions of the Taluk Panchayat, and

(b) the closing balance shall not be reduced below the sum fixed under clause (c) of sub-section (3) of section 247.

249. Supplementary budget:- Supplementary budget may be prepared and submitted when necessary. The Taluk Panchayat may at any time during the year for which a budget has been sanctioned by the Government cause a supplementary budget to be prepared and submitted to the Government. Every such supplementary budget shall be considered and approved by the Zilla Panchayat and submitted to the Government for approval.

250. Maintenance of accounts and restriction of expenditure:- (1) Accounts of the income and expenditure of the Taluk Panchayat shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Taluk Panchayat Fund shall, save as otherwise expressly provided for in this Act, be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) The Taluk Panchayat shall, within a period not exceeding three months after the close of the official year, pass the accounts of that year.

251. Transmission of accounts:- The Taluk Panchayat shall, as soon as the annual accounts have been finally passed by it, transmit a copy thereof to the Zilla Panchayat in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Zilla Panchayat may, from time to time, direct.

252. Power to write off irrecoverable sum:- Subject to such restrictions as may be prescribed, a Taluk Panchayat may write off any sum due to it, whether under a contract

or otherwise or any sum payable in connection therewith, if in its opinion, such sum is irrecoverable.

Provided that, no sum exceeding one thousand rupees shall be written off except with the previous sanction of the Zilla Panchayat.

253. Audit of accounts:- (1) The accounts of the Taluk Panchayat Fund shall be audited by the Comptroller and Auditor General of India (hereinafter referred to as auditor) in accordance with the provisions of the Comptroller and Auditor General (Duties, Powers and Conditions of Service) Act, 1971.

(2) The auditor shall, for the purpose of audit have access to all the accounts and other records of the Taluk Panchayat.

(3) The auditor shall send every year to the Government a consolidated audit report in respect of the Taluk Panchayats in the State and the Government shall lay the consolidated report before both the Houses of the State Legislature.

254. Action by Taluk Panchayat on Audit Report:- (1) The Taluk Panchayat shall on the report of the auditor or may on its own motion and after taking the explanation of the person concerned or making such further enquiry as it may consider necessary, charge any person responsible for irregular expenditure pointed out by the auditor or the amount of any deficiency or loss caused by negligence or misconduct of such person or any sum received which ought to have been, but is not brought into account by such person, and shall, in every such case, certify the amount due from such person.

(2) The Taluk Panchayat shall in writing state the reasons for its decision in respect of every charge and send a copy thereof to the person against whom it is made.

255. Recovery of amounts disallowed:- (1) Every sum certified by the Taluk Panchayat to be due from any person under sub-section (1) of section 254, shall be paid by such person to the Taluk Panchayat within thirty days from the date of the receipt by him of a copy of the decision.

(2) Such sum, if not duly paid alongwith interest at fifteen percent per annum on the amount due from the date from which it became due shall be recoverable as an arrears of land revenue alongwith the necessary expenses of such recovery and shall be credited to the Taluk Panchayat Fund.

256. Presentation of Accounts and Budget of Zilla Panchayat:- (1) The Finance, Audit and Planning Committee shall cause to be prepared and laid before the Zilla Panchayat at a meeting, which shall be held between the first day of February and the tenth day of March, a complete account of the actual and expected receipts and expenditure for the official year ending on the thirty-first day of March next following together with a budget estimate of the income and expenditure of the Zilla Panchayat for the official year to commence on the first day of April, next following.

(2) The Zilla Panchayat shall thereupon decide upon the appropriations and the ways and means contained in the budget of the year to commence on the first day of April next following. The budget as passed by the Zilla Panchayat shall be sent to the Government before such date as may be fixed by the Government.

(3) In such budget estimate, the Zilla Panchayat shall among other things.

(a) make adequate and suitable provision for such services as may be required for the fulfilment of the several duties imposed on the Zilla Panchayat by this Act or any other law :

(b) Provide for the payment, as they fall due, of all instalments of principal and interest for which the Zilla Panchayat may be liable in respect of loans contracted by it :

(c) allow for a balance at the end of said year of not less than such sum or percentage of income as may from time to time, be fixed by the Government either generally for all Zilla Panchayat or specially for any Zilla Panchayat.

(4) If such budget estimate is not in accordance with the provisions of this Act or the rules and orders issued thereunder, the Government may, within two months from the date of receipt of the budget, modify the same to secure compliance with the Act, the rules or the orders:

Provided that the Government shall not have power to direct that total proposed expenditure shall exceed the total of the estimated income of the Zilla Panchayat for the following year and the opening balance.

(5) If the Zilla Panchayat fails to approve the budget estimate on or before the date mentioned in sub-section(1), the Chief Executive Officer shall forward the budget estimate to the Government and the Government shall approve it with or without modification. The Budget so approved by the Government shall be certified by the

Government and thereupon shall be deemed to have been duly approved by the Zilla Panchayat.

257. Revision of budget:- If, in the course of the official year the Zilla Panchayat finds it necessary to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may make such modifications;

Provided that no diversion of grants transferred by the Government out of the Consolidated Funds of the State can be made for a purpose, programme or scheme not covered under such grants :

Provided also that, without the approval of the Government,

(a) no reduction of over ten percent is made in the grants approved for any developmental functions of the Zilla Panchayat, and

(b) the closing balance shall not be reduced below the sum fixed under clause (c) of sub-section (3) of section 256.

258. Supplementary budget:- Supplementary budget may be prepared and submitted when necessary. The Zilla Panchayat may at any time during the year for which a budget has been sanctioned by the Government cause a supplementary budget to be prepared and submitted to the Government. Every such supplementary budget shall be considered and approved by the Zilla Panchayat and submitted to the Government for approval.

259. Maintenance of accounts and restriction of expenditure:- (1) Accounts of the income and expenditure of the Zilla Panchayat Fund shall be kept in accordance with such rules as may be prescribed.

(2) Expenditure from the Zilla Panchayat Fund shall save as otherwise expressly provided for in this Act,

be incurred subject to such sanctions, conditions and limitations as may be prescribed.

(3) The Zilla Panchayat shall within a period not exceeding three months after the close of the official year pass the accounts of that year.

260. Transmission of accounts.- The Zilla Panchayat shall, as soon as the annual accounts have been finally passed by it, transmit to the Government an account in the form prescribed in this behalf, and shall furnish such details and vouchers relating to the same as the Government may, from time to time, direct.

261. Power to writ off irrecoverable sums.- Subject to such restrictions as may be prescribed, a Zilla Panchayat may write off any sum due to it, whether any sum payable in connection therewith, if in its opinion, such sum is irrecoverable :

provided that no sum exceeding one thousand rupees shall be written off except with the previous sanction of the Government.

262. Audit of accounts:- (1) The accounts of the Zilla Panchayat Fund shall be audited by the Comptroller and Auditor General of India (hereinafter referred to as auditor) in accordance with the provisions of the Comptroller and Auditor General (Duties, Powers and Conditions of Service) Act, 1971.

(2) The auditor shall, for the purpose of audit have access to all the accounts and other records of the Zilla Panchayat.

(3) The Government shall on receipt of the audit report of the Zilla Panchayats, lay them before both the Houses of the State Legislature.

263. Action by Zilla Panchayat on audit report.- (1) The Zilla Panchayat shall, on the report of the auditor or may on its own motion and after taking the explanation of the

person concerned or making such further enquiry as it may consider necessary, charge any person responsible for irregular expenditure pointed out by the auditor or the amount of any deficiency or loss caused by the negligence or misconduct of such person or any sum received which ought to have been, but is not brought into account by such person, and shall, in every such case, certify the amount due from such person.

(2) The Zilla Panchayat shall in writing state the reasons for its decision in respect of every charge and send a copy thereof to the person against whom it is made.

264. Recovery of amounts disallowed.-(1) Every sum certified by Zilla Panchayat to be due from any person under sub-section (1) of section 263, shall be paid by such person to the Zilla Panchayat within thirty days from the date of the receipt by him of a copy of the decision

(2) Such sum, if not duly paid alongwith interest at fifteen per cent per annum on the amount due from the date from which it became due shall be recoverable as an arrears of land revenue alongwith the necessary expenses of such recovery and shall be credited to the Zilla Panchayat Fund.

265. Procedure for recovery of dues of Zilla Panchayat and Taluk Panchayat:- (1) When any sum payable on demand,

(a) which by or under the provisions of this Act, is declared to be recoverable in the manner provided by this chapter, or

(b) which is claimable as a fee or other amount due to the Zilla Panchayat or Taluk Panchayat under this Act, or under any rules or regulation made thereunder, shall have become payable and remains unpaid for fifteen days after the same is due, the Chief Executive Officer, or the Executive Officer, as the case may

be, or an officer duly authorised by him in writing in this behalf (hereinafter referred to as the authorised officer) may serve upon the person or persons liable to pay such sum, a notice in writing in the prescribed form.

(2) If such person does not, within fifteen days, from the service of such notice of demand upon him, pay the sum due, or show cause to the satisfaction of the Chief Executive Officer or the Executive Officer why the same should not be paid, the Chief Executive Officer or the Executive Officer may recover such sum, with all costs, by distraint and sale of the movable property of the defaulter.

(3) In order to effect the distraint and sale of property under sub-section (2), the Chief Executive Officer or the Executive Officer, as the case may be, or the authorised officer shall issue a warrant in the prescribed form and a warrant fee of one rupee shall be leviable for each such warrant.

(4) The Chief Executive Officer or the Executive Officer, as the case may be, or the authorised Officer shall make an inventory of the property distrained, a copy of which shall on demand be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

(5) The Chief Executive Officer or the Executive Officer, as the case may be, or the authorised officer shall give or cause to be given to every person making payment of the amount due, a receipt therefor signed by him. Such receipt shall specify,-

(a) the date of the payment thereof,

(b) the name of the person by whom it is paid,

(c) the amount due in respect of which the payment has been made,

(d) the period for which the payment has been made, and

(e) the amount in respect of which it is granted.

(6) Any sum due to a Zilla Panchayat or Taluk Panchayat under this Act, shall without prejudice to any other mode of collection, be recoverable as an arrears of land revenue.

266. Conditions of distraint and sale:- (1) Whenever, under section 265 any property is distrained, seized or sold in consequence of the non-payment of any amount due, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of section 62 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

(2) All such property as is by the Code of Civil Procedure, 1908, exempt from attachment or sale in execution of the decree shall be exempt from distraint or sale under this section.

(3) The distress shall not be excessive. The value of the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the fee, rent or other amount due, and the distraint fee and the probable expenses incidental to the detention and sale of the said property.

(4) When the property seized is subject to speedy and natural decay, or if in the opinion of the person seizing the property, the expense of keeping it in custody together with amount due, exceeds the value of the property, the said person shall immediately after seizure of such property, give notice to the person from whose possession it was seized, to the effect that it will be sold at once and shall sell it accordingly unless the amount due is paid forthwith.

(5) Any surplus amount that may remain after deducting the amount due and of the said expenses, including the expenses of the sale, shall be paid to the owner of the property.

(6) If any claim be set up by a third person to moveable property distrained under section 265 the Chief Executive Officer or the Executive Officer as the case may be shall after a summary enquiry held after giving reasonable notice to the claimant admit or reject the claim. If the claim be admitted wholly or partly the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposed of as hereinbefore directed :

Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained, from seeking relief in a Civil Court having jurisdiction.

267. Finance Commission:- (1) The Government shall as soon as may be within one year from the date of commencement of this Act and thereafter at the expiration of every fifth year constitute a Finance Commission to review the financial position of the Zilla Panchayats, Taluk Panchayats and Grama Panchayats and to make recommendation to the Government as to :—

(a) the principles which should govern,

(i) the distribution between the State and the Zilla Panchayats, Taluk Panchayats and Grama Panchayats and the net proceeds of the taxes, duties, tolls and fees leviable by the Government which may be divided

between them and allocation between the Zilla Panchayats, Taluk Panchayats and Grama Panchayats of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the Zilla Panchayats, Taluk Panchayats and Grama Panchayats;

(iii) the grants-in-aid to the Zilla Panchayats, Taluk Panchayats and Grama Panchayats from the Consolidated Fund of the State :

(b) the measures needed to improve the financial position of the Zilla Panchayats, Taluk Panchayats and Grama Panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Zilla Panchayats, Taluk Panchayats and Grama Panchayats.

(2) Finance Commission shall consist of a Chairman and two other members.

(3) The Chairman and members of Finance Commission shall possess such qualification and shall be appointed in such manner as may be prescribed.

(4) The Finance Commission shall determine its procedure.

(5) The Chairman or a member of the Finance Commission may resign his office by writing under his hand and addressed to the Finance Secretary to the Government, but he shall continue in Office until his resignation is accepted by the Government.

(6) The casual vacancy created by the resignation of the member or Chairman under sub-section (5) or for any other reason may be filled by fresh appointment and a member or Chairman so appointed shall hold office for

the remaining period for which the member or Chairman in whose place he was appointed would have held office.

(7) The Commission shall have the following powers in the performance of its functions namely :-

(a) to call for any record from any officer or authority;

(b) to summon any person to give evidence or produce records; and

(c) such other power as may be prescribed.

(8) The Governor shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before both the Houses of the State Legislature.

CHAPTER XVIII

MISCELLANEOUS

268. Dissolution of Panchayats:- (1) If, in the opinion of the Commissioner, a Grama Panchayat exceeds or abuses its power or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force the Commissioner may, by an order published in the official Gazette, dissolve such Grama Panchayat.

(2) If in the opinion of the Government, a Zilla Panchayat or a Taluk Panchayat exceeds or abuses its power or is not competent to perform or makes persistent default in the performance of the duties imposed on it under this Act or any other law for the time being in force, the Government may, by an order published in the official Gazette, dissolve such Zilla Panchayat or Taluk Panchayat.

(3) Before publishing an order under sub-section (1) or sub-section (2), the Commissioner or the Government, as the case may be, shall communicate to the Grama Panchayat, Taluk Panchayat or Zilla Panchayat, as the case may be, the grounds on which he or it proposed to do so, fix a reasonable period for the Grama Panchayat, Taluk Panchayat or Zilla Panchayat to show-cause against the proposal and consider its explanation and objections, if any.

(4) When a Zilla Panchayat, Taluk Panchayat or Grama Panchayat is dissolved all the members of such panchayat shall, from the date specified in the order, vacate their office as such members.

(5) When a Grama Panchayat, Taluk Panchayat or Zilla Panchayat is dissolved, it shall be reconstituted in the

manner provided in this Act before the end of six months from the date of such dissolution.

Provided that where the remainder of the period for which the dissolved Zilla Panchayat, Taluk Panchayat or Grama Panchayat would have continued is less than six months it shall not be necessary to hold an election under this section for constituting a Zilla Panchayat, Taluk Panchayat or Grama Panchayat for such period.

(6) A Zilla Panchayat, Taluk Panchayat or Grama Panchayat constituted upon the dissolution before expiration of its duration shall continue only for the remainder of the period of which the dissolved Zilla Panchayat, Taluk Panchayat or Grama Panchayat would have continued had it not been so dissolved.

(7) If a Grama Panchayat, Taluk Panchayat or Zilla Panchayat is dissolved:-

(a) all the powers and duties of the Zilla Panchayat, Taluk Panchayat or Grama Panchayat shall, during the period of its dissolution be exercised and performed by such person or persons as the Zilla Panchayat or the Government, as the case may be, may from time to time appoint in this behalf;

(b) all property vested in the Grama Panchayat, Taluk Panchayat or Zilla Panchayat dissolved shall during the period of dissolution vest in the Government;

(c) the persons vacating office on dissolution shall be eligible for reelection.

269. Appeals:- (1) Any person aggrieved by original order of the Grama Panchayat under Section 74, 75, 82, 98, 102 and 103 may within such period as may be prescribed, appeal to the Assistant Commissioner.

(2) The Appellate Authority may after giving an opportunity to the appellant to be heard and after such

enquiry as it deems fit, decide the appeal and its decision shall be final.

(3) Any appeal under sub-section (1) pending before the Zilla Parishad shall on the date of commencement of the Karnataka Panchayat Raj Act, 1993 stand transferred to the Assistant Commissioner and such appeal shall be decided by him as if it has been filed before him.

270. Power over decisions of Committees:- Every Zilla Panchayat or Taluk Panchayat or Grama Panchayat shall have power to annul, revise or modify any decision taken by any of its committees.

271. Requisitioning of premises, vehicles etc., for election purpose.- (1) If it appears to an officer authorised by the State Election Commission for the conduct of elections to the Zilla Panchayat, Taluk Panchayat and Grama Panchayat under this Act (hereinafter referred to as "the requisitioning authority") that in connection with an election under this Act.-

(a) any premises is needed or is likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicles, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the requisitioning authority may by order in writing requisition such premises, or as the case may be, such vehicle, vessel or animal and may make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any

purpose connected with the election of such candidate shall be requisitioned under this sub-section, until the completion of the poll at such elections.

(2) The requisitioning shall be effected by an order in writing addressed to the person deemed by the requisitioning authority to be the owner or person in possession of the property, and such order shall be served in the manner prescribed on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisitioning shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section,-

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

272. Payment of compensation:- (1) Whenever in pursuance of section 271, the requisitioning authority requisitions any premises, the Grama Panchayat, Taluk Panchayat or Zilla Panchayat concerned shall pay to the persons interested compensation, the amount of which shall be determined by the requisitioning authority by taking into consideration the following factors that is to say,-

(i) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisitioning of premises, the person interested is compelled to change his residence or place of business the reasonable expenses, if any, incidental to such change;

Provided that, when any person interested being aggrieved by the amount of compensation so determined makes an application to the requisitioning authority within thirty days of the order under sub-section (1) the matter shall be referred by the requisitioning authority to the Munsiff having jurisdiction in the locality and the amount of compensation to be paid shall be such as the Munsiff may determine.

Explanation:- In this sub-section, the expression "person interested" means the person who was in the actual possession of the premises requisitioned under section 271 immediately before the requisitioning or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 271, the requisitioning authority requisitions any vehicle, vessel or animal the Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall pay to the owner thereof compensation, the amount of which shall be determined by the requisitioning authority on the basis of fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal.

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within thirty days to the requisitioning authority the matter shall be referred to the Munsiff having jurisdiction in the locality and the amount of compensation to be paid shall be such as the Munsiff may determine.

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other

than the owner the amount determined under this subsection as the total compensation shall be apportioned between that person and the owner in such manner as they may agree upon and in default of agreement in such manner as an arbitrator appointed by the requisitioning authority in this behalf may decide.

273. Power to obtaining information:- The requisitioning authority may with a view to requisitioning any property under section 271 or determining the compensation payable under section 272 by order require any person to furnish to such authority as may be specified in order such information in his possession relating to such property as may be specified.

274. Power of Entry into and inspection of Premises etc.- (1). Any person authorised in this behalf by the requisitioning authority may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so, in what manner an order under Section 273 should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section the expression "Premises" and "Vehicle" have the same meaning as in section 271.

275. Eviction from requisitioned Premises:- (1) Any Person remaining in possession of any requisitioned premises in contravention of any order made under section 271 may be summarily evicted from the premises by any officer empowered by the requisitioning authority in this behalf.

(2) Any Officer so empowered may after giving to any woman not appearing in Public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

276. Release of Premises from requisitioning:-

(1). When any premises requisitioned under Section 271 are to be released from requisitioning the possession thereof shall be delivered to the person from whom possession was taken at the time of the requisition or if there was no such person to the person deemed by the requisitioning authority to be the owner of such premises and such delivery of possession shall be a full discharge of the requisitioning authority from all liabilities in respect of such delivery but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2). Where the person to whom possession of any premises requisitioned under Section 271 is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf requisitioning authority shall cause a notice declaring that such premises are released from the requisitioning to be affixed on some conspicuous part of such premises and on the notice board of the office of the Tahsildar.

(3). When a notice is affixed on the notice board as provided in sub-section (2), the premises specified in such notice shall cease to be subject to requisitioning on and from the date of such affixing of the notice and be deemed to have been delivered to the person entitled to possession thereof and the requisitioning authority or the Zilla Panchayat or Taluk Panchayat or Grama Panchayat shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

277. Penalty for contravention of any order regarding requisition:- If any person contravenes any order made under Section 271 or Section 273 he shall, on conviction,

be punished with imprisonment for a term which may extend to one year or with fine or with both.

278. Penalty for acting as a member, Adhyaksha or Upadhyaksha when disqualified:- (1) W h o e v e r

acts as a member of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such shall, on conviction, be punished with fine of one hundred rupees for every day on which he sits or votes as a member.

(2) Whoever acts as the Adhyaksha or Upadhyaksha of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat or exercises any of his functions when he knows that under this Act or the rules made thereunder, he is not entitled to or has ceased to be entitled to hold office as such, or to exercise such functions shall, on conviction, be punished with fine of two hundred rupees for every day on which he acts or functions as such.

(3) Any person who having been the Adhyaksha or Upadhyaksha of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat fails to hand over any document of, or any moneys or other properties vested in, or belonging to, the Grama Panchayat or Taluk Panchayat or the Zilla Panchayat, as the case may be, which are in or have come into his possession or control to his successor in office or other prescribed authority,-

(a) in every case as soon as his term of office as such Adhyaksha or Upadhyaksha expires; and

(b) in the case of a person who was the Upadhyaksha on demand by the Adhyaksha,

shall, on conviction, be punished with a fine which may extend to one thousand rupees.

279. Penalty for interested member voting:- W h o -
soever votes as member of a Grama Panchayat, Taluk

Panchayat or Zilla Panchayat in contravention of the provisions of sub-section (4) of Section 53, or clause (g) of sub-section (2) of Section 141 or clause (g) of sub-sections (2) of Section 180 shall, on conviction, be punished with fine which may extend to five hundred rupees.

280. Penalty for acquisition by officer or servant of interest in contract:- If any member, officer or servant of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat knowingly acquires for himself directly or indirectly, by himself or by a partner, employer or servant, any share or interest in any contract or employment with, by or on behalf of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat he shall, on conviction, be punished with fine which may extend to five hundred rupees:

Provided that no person shall, by reason of being a shareholder, in or member of, any company, be held to be interested in any contract entered into between such company and the Grama Panchayat, Taluk Panchayat or Zilla Panchayat unless he is a Director of such company:

Provided further that nothing in this section shall apply to any person who, with the sanction of the Commissioner, enters into a contract with a Grama Panchayat, Taluk Panchayat or Zilla Panchayat.

281. Wrongful obstruction of certain officers.- Any person who prevents the Chief Executive Officer, Executive Officer or the Secretary or any person to whom such officer has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon on therein shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both.

282. Prohibition against obstruction of Adhyaksha or Upadhyaksha, etc.- Any person obstructing an Adhyaksha, Upadhyaksha, Secretary or member of a

Grama Panchayat, or Adhyaksha, Upadhyaksha, Executive Officer or member of a Taluk Panchayat or Adhyaksha, Upadhyaksha, Chief Executive Officer or member of a Zilla Panchayat or any person employed by the Grama Panchayat or Taluk Panchayat or Zilla Panchayat or any person with whom a contract has been entered into by or on behalf of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat in the discharge of his duty or of anything which he is empowered or required to do by virtue, or in consequence, of this Act or any rule, by-law, regulation or order made thereunder shall, on conviction, be punished with fine which may extend to five hundred rupees.

283. Prohibition against removal or obliteration of notice.- Any person, who without authority in that behalf, removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by or under the orders of, a Grama Panchayat, Taluk Panchayat or Zilla Panchayat or its executive authority, shall, on conviction, be punished with fine which may extend to one hundred rupees.

284. Penalty for not giving information or giving false information.- Any person who is required by this Act or by any notice or other proceedings issued thereunder to furnish any information fails to furnish such information or knowingly furnishes false information, shall, on conviction, be punished with fine which may extend to one hundred rupees.

285. Bidding prohibited.- (1) No Member or employee of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat or any officer having any duty to perform in connection with the sale of movable or immovable property under this Act shall directly or indirectly bid for or acquire interest in, any property sold at such sale.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine

which may extend to five hundred rupees, and if he is an officer or employee of the Grama Panchayat or Taluk Panchayat or Zilla Panchayat shall also be liable for dismissal from service.

286. Application of the term "Public Servant" to members of Panchayats and their officers and servants.-

Every member of Grama Panchayat, Taluk Panchayat or Zilla Panchayat and every officer and servant employed under the Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code and the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) for the time being in force.

287. Fines to be credited to the Panchayat Fund.-

All fines imposed by a Magistrate for any offence under this Act, or under any rule, regulations or bye-law made thereunder in any prosecution instituted by or on behalf of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall be credited to its fund.

288. Damage to any property of Panchayats and how made good.-

If through any act, neglect or default on account of which any person shall have incurred penalty imposed by or under this Act and any damage to the property of any Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty and the value of the damage shall in case of dispute be determined by the Magistrate. The person incurring such penalty be convicted, and non-payment of such value on demand the same shall be levied by distress, and the Magistrate shall issue a warrant accordingly.

289. Restrictions with respect to institution of suits against Panchayats.-

(1) No suit for damages or compensation shall be instituted against any Grama Panchayat, Taluk Panchayat or Zilla Panchayat or any of

its officers, or any person acting under its direction, for anything done or purporting to be done under this Act or any rule, bye-law, regulation or order made thereunder until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Grama Panchayat or Taluk Panchayat or Zilla Panchayat concerned or at the place of abode of such officer or person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed and the name and the place of abode of the intending plaintiff.

(2) If any person to whom any notice is given under sub-section (1) tenders the amount to the plaintiff before the suit is instituted and if the plaintiff does not recover in any such action more than the amount so tendered, he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

(3) When the defendant in any suit is a member, officer or servant of such Grama Panchayat, Taluk Panchayat or Zilla Panchayat or any person acting under its direction, the Secretary, Executive Officer, or Chief Executive officer as the case may be, shall determine whether defense should be undertaken by such Grama Panchayat, Taluk Panchayat or Zilla Panchayat and be paid for out of its fund.

(4) Nothing in this section shall be deemed to apply to any suit instituted under Section 38 of the Specific Relief Act, 1963 (Central Act 47 of 1963).

290. Government not to obtain licences and permissions.- Nothing in this Act or in any rule, bye-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, bye-law or regulation in respect of any place in the occupation or under the control of the Central Government or the State

Government or in respect of any property of the Central Government or State Government.

291. Injunctions not to be granted in election proceedings.-Notwithstanding anything contained in any law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the conduct of any election under this Act.

292. Punishment for disobedience of orders and notices not punishable under any other section.-

Whoever disobeys or fails to comply with any lawful direction given by way of written notice issued by or on behalf of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat under any power conferred by this Act, or fails to comply with the conditions subject to which any permission was given to him by the Grama Panchayat, Taluk Panchayat or Zilla Panchayat concerned under any power so conferred, shall, on conviction, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to one hundred rupees and with further fine which may extend to five rupees for every day during which the said disobedience or failure continues after the date of first conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, the Magistrate shall determine whether the time so fixed was reasonable.

293. In default of owner or occupier, Panchayat may execute works and recover expenses,- (1) When ever under the provisions of this Act any work is required to be executed by the owner or occupier of any building, or land and default is made in the execution of such work, the Grama Panchayat, Taluk Panchayat or Zilla Panchayat

cerned whether any penalty is or is not provided for such default, may cause such work to be executed, and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter XIII either in one sum or by instalments as the Panchayat concerned may deem fit.

(2) If the defaulter is the owner of the building or land, the Panchayat concerned may, by way of additional remedy, whether a suit or proceeding has been brought or not, against such owner or not, require, subject to the provisions of sub-section (3), the payment of all or any part of the expenses payable by the owner for the time being in the person who then or at any time thereafter occupies the building or land under such owner, and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so levied shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter XIII. Every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglects or refuses upon application made to him for that purpose by a Grama Panchayat, Taluk

Panchayat or Zilla Panchayat truly to disclose the amount of his rent and the name and address of the person to whom the rent is payable, but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier.

Provided that nothing herein contained shall be deemed to affect any special contract made between a tenant and such occupier and the owner respecting payment of the expenses of any such works as aforesaid.

294. Expenses or costs how determined and recovered.-If a dispute arises with respect to any expenses or costs which are by this Chapter directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Grama Panchayat, Taluk Panchayat or Zilla Panchayat concerned and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter XIII.

295. Bar of suits etc.- (1) No civil court shall entertain a suit objecting to an assessment demand or charge made or imposed under this Act, or for the recovery of a sum of money collected under the authority of this Act, or for damages on account of any assessment or collection of money under the said authority, if the provision of this Act have been in substance and effect complied with.

(2) No suit or other legal proceeding shall be brought against a Chief Executive Officer or Executive Officer or Secretary or any other officer of the Government or Grama Panchayat or Taluk Panchayat or Zilla Panchayat or any member, officer, servant or agent of such Grama Panchayat, Taluk Panchayat or Zilla Panchayat acting under its direction in respect of anything done or purported to have been lawfully done and in good faith.

under this Act or any rule, regulation, bye-law or order made thereunder except with the previous sanction of the Zilla Panchayat or such officer as the Zilla Panchayat may specify.

(3) No suit or other legal proceeding shall lie against the Government in respect of anything done under this Act, or any rule, regulation or bye-law made thereunder.

296. Jurisdiction of Magistrate.- Any prosecution under this Act or under any rule, regulation or bye-law made thereunder may, save as therein otherwise provided, be instituted before any Magistrate, and every fine or penalty imposed under or by Virtue of this Act or any rule, regulation or bye-law made thereunder and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application, to such Magistrate by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

297. Alternative procedure by suit.- In lieu of any process of recovery allowed by or under this Act in case of failure to realise by such process the whole or any part of any amount recoverable under the provisions of Chapter XIII or of any compensation, expenses, charges or damages awarded under this Act, the Grama Panchayat, Taluk Panchayat or Zilla Panchayat concerned may sue in any court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any way caused any injury to any property, rights or privileges of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat.

298. Punishment for offences under this Act and powers to compound.- (1) whoever.-

(a) erects, alters, adds to or reconstructs a building without the written permission required by Section 64 or in contravention of any of the conditions imposed by it;

(b) uses any place without a licence required by Sections 66, 67, 68 and 69 or in contravention of any of the conditions, or during the suspension of the licence; or

(c) contravenes any other provision of the Act,

shall on conviction, be punished with fine which may extend to five hundred rupees, and in the case of a continuing offence with a fine which may extend to five rupees for every day after the first conviction during which the offence continues.

(2) Upon a conviction under clause (b) of sub-section (1) in respect of any place, the magistrate shall on the application of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat as the case may be, but not otherwise, order such place to be closed, and thereupon appoint such persons or take such other steps to prevent such place being so used; and every person who so uses or permits the use of a place after it has been ordered to be closed, shall be punished with fine which may extend to five rupees for each day during which he continues to use or permits such use of the place after it has been so ordered to be closed.

(3) (a) A Grama Panchayat, Taluk Panchayat or Zilla Panchayat or such officer as the Zilla Panchayat may authorise in this behalf may accept by way of composition a sum of money not exceeding five hundred rupees from any person, who, in the opinion of the Grama Panchayat Taluk Panchayat or Zilla Panchayat or the authorised officer, as the case may be, has committed,-

(i) any of the aforesaid offences referred to in sub-section (1), or

(ii) any other offence under this Act or under any rule, regulation or bye-law made thereunder which may by notification be declared by the Government as compoundable; and on such composition no proceedings shall be taken against such person in respect of such offence.

(b) On the composition of any offence under clause (a) if proceedings in any criminal court have been instituted against the person concerned in respect of the offence the composition shall be deemed to amount to an acquittal and no further proceedings shall be taken against such person in respect of such offence.

299. Powers of police officers.- (1) Any police officer may arrest any person committing in his presence any offence against any of the provisions of this Act or of any regulation or bye-law made thereunder if the name and address of such person is not known to him and if he declines to give his name and address, or if the police officer has reason to doubt the accuracy of such name and address given, and such person may be detained at the Station house until his name and address shall be correctly ascertained.

(2) Any person arrested under sub-section (1) shall be informed as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

(3) It shall also be the duty of all police officers to give immediate information to the Adhyaksha or Secretary of the Grama Panchayat, Adhyaksha or Executive Officer of Taluk Panchayat, Adhyaksha or Chief Executive Officer of the Zilla Panchayat the commission of any offence against the provisions of this Act or of any rule, regulation

or bye-law made thereunder, or where a member of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat is arrested within twenty-four hours of such arrest and to assist all officers and servants of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat in the exercise of their lawful authority.

300. Annual administration report.- (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government the Secretary; of the Grama Panchayat shall place before the Grama Panchayat a report of the administration of the Grama Panchayat during the preceding official year in such form and with such details as the Government may direct and shall forward the report with the resolution of the Grama Panchayat thereon to the Zilla Panchayat.

(2) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Executive Officer of the Taluk Panchayat shall place before the Taluk Panchayat a report of the administration of the Taluk Panchayat during the preceding official year in such form and with such details as the government may direct and shall forward the report with the resolution of the Taluk Panchayat thereon to the Zilla Panchayat.

(3) The Zilla Panchayat shall on receipt of the reports under sub section (1) and (2) review the working of the Grama Panchayats and Taluk Panchayats and shall submit a consolidated report in this behalf to the Government.

(4) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Government, the Chief Executive Officer shall prepare a report on the administration of the Zilla Panchayat during the preceding year in such form and with such details as the Government may direct and submit the report to the Zilla Panchayat. After approval by the Zilla

Panchayat, the report shall be submitted to the Government.

(5) The report submitted under sub section (3) and (4) to the Government shall together with a memorandum by the Government reviewing the working of the Grama Panchayats, Taluk Panchayats and Zilla Panchayats, shall be laid before both the Houses of the State Legislature.

301. Adjustment of Government dues etc.- If a Grama Panchayat, Taluk Panchayat or Zilla Panchayat makes default in the payments of any amounts, loan instalments or interest due to the Government, the Karnataka State Electricity Board or the salaries, allowances or leave and pensionary contributions of Government servant deputed for service under such Panchayats, the Government may make an order directing the person having the custody of the Fund of the Panchayats concerned to pay the amount due in priority to any other charge against such fund and such person shall so far as the amounts to the credit of such fund admit be bound to comply with the order.

302. Power of Government to dissolve and reconstitute Panchayats on the alteration of limits of Panchayats area, taluks and districts.- (1) When on account of the reason that the limits of a Panchayat area, taluk or district are during the term of office of the members of a Grama Panchayat, Taluk Panchayat or Zilla Panchayat altered, the Government may by order published in the Official gazette dissolve such Grama Panchayat, Taluk Panchayat or Zilla Panchayat from a date specified in the order and direct that a Grama Panchayat, Taluk Panchayat or Zilla Panchayat,-

(i) be reconstituted for the Panchayat area of which the Grama Panchayat or Taluk of which Taluk Panchayat or the district of which the Zilla Panchayat has been dissolved; or

(ii) be established for a Panchayat area, Taluk or district which has been newly constituted.

(2) The Members of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat which has been dissolved under sub-section (1) shall vacate their office from the date specified in the order of the Government.

(3) The Grama Panchayat, Taluk Panchayat or Zilla Panchayat reconstituted or established under the provisions of sub-section (1) shall consist of members nominated by the Government and such members shall as far as may be practicable be persons who are members of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat which has been dissolved under sub section (1).

(4) The Adhyaksha and Upadhyaksha of Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall be elected in the manner provided in this Act.

(5) The term of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat so reconstituted or established shall be for such period not exceeding six months as the Government shall by order specify.

(6) Before the expiry of the term of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat in accordance with the provisions of sub-section (5) a Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall be constituted in the manner provided by this Act.

Provided that where the remainder of the period for which the dissolved Grama Panchayat, Taluk Panchayat or Zilla Panchayat would have continued is less than six months it shall not be necessary to hold an election under this section for constituting a Grama Panchayat, Taluk Panchayat or Zilla Panchayat for such period.

(7) A Grama Panchayat, Taluk Panchayat or Zilla Panchayat constituted under sub-section (6) shall continue only for the remainder of the period for which the dissolved Grama Panchayat, Taluk Panchayat or Zilla Panchayat would have continued had it not been so dissolved.

(8) When a Grama Panchayat, Taluk Panchayat or Zilla Panchayat has been dissolved and reconstituted or established under this section so much of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat Fund and other property vesting in the Grama Panchayat, Taluk Panchayat or Zilla Panchayat which has been dissolved shall vest in and such portion of the debts, and obligations shall be transferred to, the Grama Panchayat, Taluk Panchayat or Zilla Panchayat reconstituted or established under this section as the Government may by order in writing direct.

(9) The rights and liabilities of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat which has been dissolved in respect of civil and criminal proceedings, contracts, agreements and other matters or things arising in and relating to any part of the area subject to the authority of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat reconstituted or established shall vest in such Grama Panchayat, Taluk Panchayat or Zilla Panchayat.

(10) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation or form made, issued, imposed or granted by the Grama Panchayat, Taluk Panchayat or Zilla Panchayat which has been dissolved in respect of any part of the area subject to the authority of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat which has been reconstituted or established, shall be deemed to have been made, issued imposed or granted by such Grama Panchayat, Taluk Panchayat or Zilla Panchayat unless and until it is suspended by any appointment notification, notice, form, order, scheme, licence, permission, rule, regulation or form, made, issued, imposed or granted by such Grama Panchayat, Taluk Panchayat or Zilla Panchayat.

(11) If any difficulty arises in giving effect to the provisions of the preceding sub-sections, the Government may by order published in the Official Gazette, as the

occasion may require, do anything which appears to it to be necessary to remove the difficulty.

303. Transfer of property may be subject to conditions.- The grant, lease, sale or other transfer of movable or immovable property by a Grama Panchayat, Taluk Panchayat or Zilla Panchayat may be subject to such conditions as the Grama Panchayat, Taluk Panchayat or Zilla Panchayat may specify.

304. Saving of acts and proceedings.- No act done or proceedings taken under this Act shall be questioned on the ground merely of any defect or irregularity not affecting the merits of the case.

305. Procedure for consultation.- Whenever any action has to be taken under this Act after consultation with any authority or body, such consultation shall be deemed to have been made if the authority or body concerned had been informed of the proposed action and given a reasonable time to furnish its views.

306. Method of serving notices, etc.- (1) Save as otherwise provided in this Act, the service of any notice or other document under this Act or order made thereunder on any person to whom it is by name addressed shall be affected,—

(a) by giving or tendering the said notice or document to such person, or

(b) if such person is not found by leaving such notice or document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family, or

(c) if such person does not reside in the village or town and his address elsewhere is known to the officer directing the issue of such notice or document by sending the same to him by registered post, or

(d) if none of the means aforesaid be available, by affixing such notice or document on some conspicuous part of the house, if any, in which the person is known to have last resided or carried on business or personally worked for gain.

(2) When any notice or other document has to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof in cases not otherwise specially provided for in this Act, shall be effected either,-

(a) by giving or tendering the notice or document to the owner or occupier or if there be more owners or occupiers than one, to any one of them, or

(b) if no such owner or occupier be found, then by giving or tendering the notice or document to some adult member or servant of the family of any such owner or occupier as aforesaid, or

(c) if none of the means aforesaid be available, then by causing the notice or document to be affixed upon some conspicuous part of the building or land to which the same relates.

(3) Every notice which this Act requires or empowers a Grama Panchayat, Taluk Panchayat or Zilla Panchayat to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals there in specified shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the office of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat, as the case may be, during such period and in such other public buildings and places, or is published in such local papers or in such other manner as the Grama Panchayat, Taluk Panchayat or Zilla Panchayat may in this behalf direct.

(4) No notice or bill shall be invalid for defect of form.

(5) Whenever in any notice or other document served under this Act or the rules, regulations, bye-laws or order made thereunder, a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided such period shall, in the absence of any provision to the contrary in this Act, or the said rules, regulations, bye-laws or orders thereunder, be calculated from the date of such service.

(6) When any notice under this act, or any rule, regulation, bye-law or order requires any act to be done for which no time is fixed the notice shall fix a reasonable time for doing the same.

(7) In the event of non-compliance with the terms of the notice it shall be lawful for the Grama Panchayat, Taluk Panchayat or Zilla Panchayat or an officer authorised by it to take such action or such steps as may be necessary for the doing of the act thereby required to be done, and all the expenses therein incurred by the Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided under chapter XIII.

307. Official Display of flag.- (1) No person shall fly any flag other than the National Flag or flag approved by the Government on the office of the Grama Panchayat or Taluk Panchayat or Zilla Panchayat.

(2) Whoever contravenes sub-section (1) shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to rupees five thousand or with both and in the case of continuing contravention with a further fine which may extend to rupees five hundred for each day during which the contravention continues.

308. State Election Commission.- (1) The superintendence direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Grama Panchayat, Taluk Panchayat or Zilla Panchayat shall be vested in the State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) The conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine.

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of a High Court and conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor shall when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission under sub-section (1).

309. Preparation of Development Plan.- (1) Every Grama Panchayat shall prepare every year a development plan and submit it to the Taluk Panchayat before such date and in such form as may be prescribed.

(2) Every Taluk Panchayat shall prepare every year a development plan for the Taluk after including the development plans of the Grama Panchayats and submit it to the Zilla Panchayat before such date and in such form as may be prescribed.

(3) Every Zilla Panchayat shall prepare every year a development plan of the district after including the development plans of the Taluk Panchayat and submit it to the District Planning Committee constituted under section 310.

310. District Planning Committee.- (1) The government shall constitute in every district a District Planning Committee to consolidate the plans prepared by the Zilla Panchayats, Taluk Panchayats, Grama Panchayats, Nagara Panchayats, Municipal Councils and Municipal Corporations in the district and to prepare a draft development plan for the district as a whole.

(2) The District Planning Committee shall consist of,-

(a) members of the House of People who represent the whole or part of the district;

(b) The members of the Council of State who are registered as electors in the district;

(c) Adhyaksha of the Zilla Panchayat;

(d) Mayor or the President of the Municipal Corporation or the Municipal Council respectively, having jurisdiction over the head quarters of the District;

(e) Such number of persons, not less than four-fifth of the total number of members of the Committee as may be specified by the government, elected in the prescribed manner from amongst the members of the Zilla Panchayat, Nagara Panchayat and Councillors of the Municipal Corporation and the Municipal Councils in the district, in proportion to the ratio between the population of the rural areas and of the urban areas in the district;

(3) All the members of the State Legislative Assembly whose constituencies lie within the district, the members of the State Legislative Council who are registered as electors in the district and the Deputy Commissioner shall be permanent invitees of the Committee.

(4) The Chief Executive Officer shall be the secretary of the Committee.

(5) The Chairman of the District Planning Committee shall be chosen in the manner as may be prescribed.

(6) The District Planning Committee shall consolidate the plans prepared by the Zilla Panchayats, Taluk Panchayats, Grama Panchayats, Nagara Panchayats, Municipal Councils and the Municipal Corporations in the district and prepare a draft development plan for the district as a whole.

(7) Every District Planning Committee shall in preparing the draft development plan,-

(a) have regard to,

(i) the matters of common interest between the Zilla Panchayats, Taluk Panchayats, Grama Panchayats, Nagara Panchayats, Municipal Corporations and Municipal Councils in the district including spatial planning, sharing of water and other physical and natural resource, the integrated development of infrastructures and environmental conservation;

(ii) the extent and type of available resources whether financial or otherwise;

(b) consult such institutions and organisations as the Governor may, by order, specify;

(8) The Chairpersons of every District Planning Committee shall forward the development plan, as recommended by such Committee to the Government.

311. Power of Government to make rules.- (1) The Government may after previous publication, by notification in the Official Gazette make rules to carry out the purposes of this Act.

(2) A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to any modification made under section 320 every rule made under this Act shall have effect as if enacted in this Act.

(3) In making a rule under this section, the government may provide that a person guilty of breach thereof shall, on conviction, be punished with fine which may extend to five hundred rupees and where the breach is a continuing one with further fine which may extend to twenty-five rupees for every day on and after the first day on which the breach continues.

312. Amendment of schedules I, II and III,- The Government may, by notification, in the official gazette omit, amend or add any activity, programme or scheme covered by or mentioned in Schedule I, II or III. On the issue of such notification the schedule shall be deemed to have been amended accordingly. Every such notification shall be placed before each House of the State Legislature.

313. Power of Zilla Panchayat to make regulations.- (1) A Zilla Panchayat may subject to the provisions of this Act and the rules made under section 311 and with the previous sanction of the Government, by notification, make regulations to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) The regulations made under sub-section (1) shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

314. Power of Taluk Panchayat to make regulations.- (1) A Taluk Panchayat may subject to the provisions of this Act and the rules made under section 311 and with the previous sanction of the government, by notification, make regulations to carry out the purposes of this Act in so far as it relates to its powers and duties.

(2) The regulations made under sub-section (1) shall be subject to the conditions of previous publication and such publication shall be in such manner as may be prescribed.

315. Power of Grama Panchayats to make bye-laws.-

(1) A Grama Panchayat may, subject to the provisions of this Act and the rules made under section 311 and the regulations made under section 313 and with the previous sanction of the Zilla Panchayat make bye-laws to carry out the purposes of this act in so far as it relates to its powers and duties.

(2) In particular and without prejudice to the generality of the foregoing power, a Grama Panchayat may make bye-laws.-

(a) for the purification and protection from pollution of all sources of water used for drinking purposes;

(b) for the prohibition of the removal or use for drinking purposes of any water from any stream, tank, well or other source, where such removal or use causes, or is likely to cause disease or injury to health and for the prevention of such removal or use by the filling in or covering over of such tank or well, or by any other method which may be considered advisable;

(c) for the prohibition of the deposit or storage of manure, refuse or other offensive matter in a manner or in places prejudicial to the public health, comfort or convenience;

(d) for the regulation of dangerous or offensive callings or trade;

(e) for the disposal of corpses by burning or burial;

(f) for excavation of earth and filling up of excavations and depressions injurious to health or offensive to the neighbourhood;

(g) for the removal of noxious vegetation;

(h) for the repair and removal of dangerous or ruinous buildings:

(i) for the prevention of the erection of buildings without adequate provision for ventilation or the laying out and location of streets;

(j) for specifying fees payable under section 70.

(k) for the control of fairs and bazaars and the regulation of markets, slaughter houses and cart stands;

(l) for the inspection and destruction of unfit food and drink exposed for sale;

(m) for general regulation of sanitation and conservancy;

(n) the management and maintenance of cattle pounds; and

(o) performance of other duties assigned by the Government, Zilla Panchayat or Taluk Panchayat.

(3) In making any bye-laws under sub-sections (1) and (2), the Grama Panchayat may provide that a contravention thereof shall be punishable,-

(a) with fine which may extend to twenty-five rupees;

(b) with fine which may extend to twenty-five rupees, and in case of continuing contravention with an additional fine which may extend to two rupees for every day during which such contravention continues after conviction for the first such contravention; or

(c) with fine which may extend to two rupees for every day during which the contravention continues, after receipt of a notice from the Grama Panchayat or any officer duly authorised in this behalf, by the person contravening the bye-law requiring such person to discontinue such contravention.

(4) Any such bye-law may also provide that a person contravening the same shall be required to remedy so far as lies in his power, the mischief, if any, caused by such contravention.

(5) All bye-laws made under this section shall be subject to the condition of previous publication and such publication shall be in such manner as may be prescribed.

316. Power of Government to make model regulations and bye-laws and adoption of such regulations and bye-laws by the Panchayats.- (1) The Government may, subject to the provisions of this Act and the rules made under section 311 and after previous publication of the draft for not less than one month, make model regulations and bye-laws for Grama Panchayats, Taluk Panchayats and Zilla Panchayats.

(2) A Grama Panchayat, Taluk Panchayat or Zilla Panchayat may by resolution adopt the model bye-laws or regulations, as the case may be, made under sub-section (1), and such bye-laws and regulations shall come into force within the Jurisdiction of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat from such date as the Grama Panchayat, Taluk Panchayat, or Zilla Panchayat, as the case may be, may specify in a notice published in the prescribed manner.

(3) The Government may by order direct any Grama Panchayat, Taluk Panchayat or Zilla Panchayat to adopt the model bye-laws and regulations in respect of any matter within such period not being less than three months from the date of receipt of the direction by the Panchayat concerned.

(4) If any Grama Panchayat, Taluk Panchayat, or Zilla Panchayat, fails to take any action for adopting the model bye-laws or regulations, as the case may be, the Government may, by notification, declare that the said model bye-laws or regulation, as the case may be, shall come into force within the Jurisdiction of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat from such date as may be specified in such notification, and such bye-laws or regulations, as the case may be, shall come into force accordingly.

(5) The provisions of this section will have the effect notwithstanding any thing contained in sections 313, 314 and 315.

317. Power of Government to adapt laws.-

For the purpose of bringing the provisions of any law in force in accordance with the provisions of this Act, the Government may by order published in the official Gazette make such adaptations and modifications of such law, whether by way of repeal or amendment, as may be necessary or expedient, and provide that the law shall, as from such date as may be specified in the order, have effect subject to adaptations and modifications so made and any such adaptation or modification shall not be questioned in any court of law.

Explanation.- The expression "law in force" in this section shall include a law passed or made by the State Legislature or other competent authority in the State before the commencement of this act and not previously repealed, notwithstanding that it or parts of it may not be then in operation either in all, or any particular areas in the State.

318. Repeal and savings.- The Karnataka Zilla Parishads, Taluk Panchayat Samithis, Mandal Panchayats and Nyaya Panchayats Act, 1983 (Karnataka Act 20 of 1985) is hereby repealed:

Provided that such repeal shall not affect, -

(a) the previous operations of the said Act or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act; or

(d) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted,

continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

Provided further that,-

(a) subject to the preceding provision, anything done or any action taken (including any appointment or delegation made, tax, fee or cess imposed, notification, order, instrument or direction issued, rule, regulation, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected) under the said Act shall be deemed to have been done or taken under the corresponding provisions of this act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act;

(b) every officer and servant of a Mandal Panchayat or Zilla Parishad, other than such class of servants as the Government may specify by order, shall until other provisions are made receive the salary and allowances and be subject to the conditions of service to which they were entitled immediately before the commencement of this section;

(c) It shall be competent to the Grama Panchayat, Taluk Panchayat or Zilla Panchayat subject to the previous sanction of the Government to discontinue the service of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the Grama Panchayat, Taluk Panchayat or Zilla Panchayat after giving such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service as if the Mandal Panchayat or Zilla Parishad in the employ of which he was, had not ceased to exist.

(d) all assets and liabilities of and all contracts made by or on behalf of a Mandal Panchayat or a Zilla Parishad before the date of commencement of this act and subsisting on that day shall stand transferred to such Grama Panchayat, Taluk Panchayat or Zilla Panchayat in accordance with such orders as the Government may make in this behalf;

(e) where a provident fund or superannuation fund or any other like fund has been established for the benefit of the employees of the Mandal Panchayat or a Zilla Parishad, the moneys standing to the credit of any such fund on the date of commencement of this Act together with any other assets belonging to such fund shall stand transferred to and vest in the Government and the Government shall be liable to discharge the obligations of the Mandal Panchayat and Zilla Parishad in respect of such fund;

(f) any reference in any enactment or in any instrument to any provision of the repealed Act shall unless a different intention appears be construed as a reference to the corresponding provisions of this Act.

319. Orders bringing this Act into force.-

Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government may by order published in the Official Gazette make such provision as appears to it to be necessary or expedient,-

(a) for making omissions from, additions to and adaptations and modifications of the rules, regulations, bye-laws, notifications and orders referred to in the second proviso to section 318 in their application to the local authorities established or continued under this Act;

(b) for removing difficulties arising in connection with the transition to the provisions of this act, including difficulties in the construing of reference to authorities in any law;

(e) for authorising the continued carrying in for the time being on behalf of the local authorities of services and activities previously carried on by any of the local authorities; and

(d) so far as it appears necessary or expedient in connection with any of the matters aforesaid for varying the powers or jurisdiction of any court or authority and empowering new courts or other authorities to exercise such jurisdiction as may be specified in such order.

(2) The provisions made by any order under subsection (1) shall subject to the provisions of section 320 have effect as if enacted in this act, and any such order may be made so as to be retrospective to any date not earlier than the date of commencement of this Act.

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such orders as makes any provision thereof retrospective to any date before the making thereof.

320. Rules and orders to be laid before the Houses of the State Legislature.-

Every rule made under section 311 and every order made under section 319 shall be laid, as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said period, either House of the State Legislature makes any modification in any rule or order or directs that any rule or order shall not have effect, and if the modification or direction is agreed to by the other House, such rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be.

321. Removal of difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the Government may by order, published in the Official Gazette as the occasion may require do anything which appears to it to be necessary to remove the difficulty.

SCHEDULE - I

(see section 58)

I. General Functions :

- (1) Preparation of annual plans for the development of the Panchayat area.
- (2) Preparation of annual budget.
- (3) Providing reliefs in natural calamities.
- (4) Removal of encroachments on public properties.
- (5) Organising voluntary labour and contribution for community works.
- (6) Maintenance of essential statistics of the villages.

II. Agriculture, including Agricultural extension :

- (1) Promotion and development of agriculture and horticulture.
- (2) Development of waste lands.
- (3) Development and maintenance of grazing lands and preventing their unauthorised alienation and use.

III. Animal Husbandry, Dairying and Poultry :

- (1) Improvement of breed of cattle, poultry and other livestock.
- (2) Promotion of dairy farming, poultry and piggery.
- (3) Grassland development.

IV. Fisheries :

Development of fisheries in the villages.

V. Social and farm Forestry, Minor forest Produce, Fuel and Fodder :

- (1) Planting and preservation of trees on the sides of roads and other public lands under its control.

- (2) Fuel plantations and fodder development.
- (3) Promotion of farm forestry.
- (4) Development of social forestry.

VI. Khadi, Village and Cottage Industries :

- (1) Promotion of rural and cottage industries.
- (2) Organisation of conferences, seminars and training programmes, agricultural and industrial exhibitions for the benefit of the rural areas.

VII. Rural Housing :

- (1) Distribution of house sites within Gramathana limits.
- (2) Maintenance of records relating to the houses, sites and other private and public properties.

VIII. Drinking Water :

- (1) Construction, repairs and maintenance of drinking water wells, tanks and ponds.
- (2) Prevention and control of water pollution.
- (3) Maintenance of rural water supply schemes.

IX. Roads, Buildings, Culverts, Bridges, Ferries, Waterways and other means of Communication :

- (1) Construction and maintenance of village roads, drains and culverts.
- (2) Maintenance of buildings under its control or transferred to it by the Government or any public authority.
- (3) Maintenance of boats, ferries and waterways.

X. Rural Electrification including Distribution of Electricity :

Providing for and maintenance of lighting of public streets and other places.

XI. Non-Conventional energy Source :

- (1) Promotion and development of non-conventional energy schemes.
- (2) Maintenance of community non-conventional energy devices, including bio-gas plants.
- (3) Propagation of improved chulhas and other efficient energy devices.

XII. Poverty Alleviation Programmes :

- (1) Promotion of public awareness and participation in poverty alleviation programmes for fuller employment and creation of productive assets etc.
- (2) Selection of beneficiaries under various programmes through Grama Sabhas.
- (3) Participation in effective implementation and monitoring.

XIII. Education, including Primary and Secondary Schools :

- (1) Promotion of public awareness and participation in primary and secondary education.
- (2) Ensuring full enrollment and attendance in primary schools.

XIV. Adult and non-formal Education :

Promotion of Adult Literacy.

XV. Libraries :

Village Libraries and Reading rooms.

XVI. Cultural Activities :

Promotion of social and cultural activities.

XVII. Markets and fairs :

Regulation of fairs (including cattle fairs) and festivals.

XVIII. Rural Sanitation :

- (1) Maintenance of general sanitation.
- (2) Cleaning of public roads, drains, tanks, wells and other public places.
- (3) Maintenance and regulation of burning and burial grounds.
- (4) Construction and maintenance of public latrines.
- (5) Disposal of unclaimed corpses and carcasses.
- (6) Management and control of washing and bathing ghats.

XIX. Public Health and family Welfare :

- (1) Implementation of Family Welfare Programmes.
- (2) Prevention and remedial measures against epidemics.
- (3) Regulation of sale of meat, fish and other perishable food articles.
- (4) Participation in programmes of human and animal vaccination.
- (5) Licensing of eating and entertainment establishments.
- (6) Destruction of stray dogs.
- (7) Regulation of curing, tanning and dyeing of skins and hides.
- (8) Regulation of offensive and dangerous trades.

XX. Women and Child Development :

- (1) Participation in the implementation of women and child welfare programmes.
- (2) Promotion of school health and nutrition programmes.

- XXI. Social Welfare, including welfare of the handicapped and mentally retarded :**
- (1) Participation in the implementation of the social welfare programmes, including welfare of the handicapped, mentally retarded and destitute.
 - (2) Monitoring of the old-age and widows pension schemes.
- XXII. Welfare of the Weaker Sections and in Particular the Scheduled Castes and Scheduled Tribes :**
- (1) Promotion of public awareness with regard to Welfare of Scheduled Castes, Scheduled Tribes and other Weaker Sections.
 - (2) Participation in the implementation of the specific programmes for the welfare of the weaker sections.
- XXIII. Public Distribution System :**
- (1) Promotion of public awareness with regard to the distribution of essential commodities.
 - (2) Monitoring the public distribution system.
- XXIV. Maintenance of Community Assets :**
- (1) Maintenance of community assets.
 - (2) Preservation and maintenance of other community assets.
- XXV. Construction and maintenance of Dharmashalas, Chatras and similar institutions.**
- XXVI. Construction and maintenance of cattle sheds, pounds and cart stands.**
- XXVII. Construction and maintenance of slaughter houses.**
- XXVIII. Maintenance of public parks, playgrounds etc.**
- XXIX. Regulation of manure pits in public places.**
- XXX. Establishment and control of shandies.**
- XXXI. Such other functions as may be entrusted.**

SCHEDULE - II

(see section 145)

I. General functions.

- (1) Preparation of the Annual Plans in respect of the schemes entrusted to it by virtue of the Act and those assigned to it by the Government or the Zilla Panchayat and submission thereof to the Zilla Panchayat within the prescribed time for integration with the District Plan.
- (2) Consideration and consolidation of the Annual Plans of all Grama Panchayats in the Taluk and submission of the consolidated plan to the Zilla Panchayat.
- (3) Preparation of Annual budget of the taluk and its submission within the prescribed time to the Zilla Panchayat.
- (4) Performing such functions and executing such works as may be entrusted to it by the Government or the Zilla Panchayat.
- (5) Providing relief in natural calamities.

II. Agriculture, including Agricultural Extension :-

- (1) Promotion and development of agriculture and horticulture.
- (2) Maintenance of agricultural seed farms and horticultural nurseries.
- (3) Storing and distribution of insecticides and pesticides.
- (4) Propagation of improved methods of cultivation.
- (5) Promotion of cultivation and marketing of vegetables, fruits and flowers.
- (6) Training of farmers and extension activities.

III Land Improvement and Soil Conservation :-

Assisting the Government and Zilla Panchayat in the implementation of land improvement and Soil Conservation Programmes of the Government.

IV. Minor Irrigation, Water Management and Water shed Development :

- (1) Assisting the Government and Zilla Panchayat in the construction and maintenance of Minor Irrigation works.
- (2) Implementation of community and individual irrigation works.

V. Animal Husbandry, Dairying and Poultry :-

- (1) Maintenance of Veterinary and Animal Husbandry services.
- (2) Improvement of breed of cattle, poultry and other livestock.
- (3) Promotion of dairy farming, poultry and piggery.
- (4) Prevention of epidemics and contagious diseases.

VI. Fisheries :-

Promotion of fisheries development.

VII. Khadi, Village and Cottage Industries :-

- (1) Promotion of rural and cottage industries.
- (2) Organisation of conferences, seminars and training programmes, agricultural and industrial exhibitions.

VIII. Rural Housing :-

- (1) Implementation of Housing Schemes and distribution of house sites in villages outside Gramathana limits.

IX. Drinking Water :-

- (1) Establishment, repairs and maintenance of rural water supply schemes.
- (2) Prevention and control of water pollution.
- (3) Implementation of rural sanitation schemes.

X. Social and farm Forestry, Minor Forest Produce, Fuel and fodder :-

- (1) Planting and preservation of trees on the sides of roads and other public lands under its control.
- (2) Fuel plantation and fodder development.
- (3) Promotion of farm forestry.

XI. Roads, Buildings, Bridges, Ferries Waterways and other means of Communication :-

- (1) Construction and maintenance of Public roads, drains, culverts and other means of communications which are not under the control of any other local authority or the Government.
- (2) Maintenance of any building or other property vested in the Taluk Panchayat.
- (3) Maintenance of boats, ferries and waterways :

XII. Non-Conventional Energy Sources :-

Promotion and development of non-conventional energy sources.

XIII. Poverty-Alleviation Programmes :-

Implementation of poverty alleviation programmes.

XIV. Education, including Primary and Secondary Schools :-

- (1) Promotion of Primary and Secondary education.
- (2) Construction, repair and maintenance of primary school buildings.
- (3) Promotion of social education through youth clubs and mahila mandals.

XV. Technical Training and Vocational Education :-

Promotion of rural artisan and vocational training.

XVI. Adult and Non-formal Education :-

Implementation of Adult Literacy.

XVII. Cultural Activities :-

Promotion of social and cultural activities.

XVIII. Markets and Fairs :-

Regulation of fairs and festivals.

XIX. Health and Family Welfare :-

- (1) Promotion of Health and Family Welfare Programmes.
- (2) Promotion of Immunisation and Vaccination Programmes.
- (3) Health and sanitation at fairs and festivals.

XX. Women and Child Development :-

- (1) Promotion of programmes relating to development of women and children.
- (2) Promotion of school health and nutrition programmes.
- (3) Promotion of participation of voluntary organisations in women and child development programmes.

XXI. Social Welfare including Welfare of the Handicapped and Mentally Retarded :

- (1) Social welfare programmes including welfare of handicapped, mentally retarded and destitute.
- (2) Monitoring the Old Age and Widow's Pensions and Pensions for the Handicapped.

XXII. Welfare of the Weaker Sections and in particular, of the Scheduled Castes and Scheduled Tribes :

- (1) Promotion of Welfare of Scheduled castes, Scheduled Tribes and Other Weaker Sections.
- (2) Protecting such castes and classes from social injustice and exploitation.

XXIII. Maintenance of Community Assets :

- (1) Maintaining all community assets vested in it or transferred by the Government or any local authority or organisation.
- (2) Preservation and maintenance of other community assets.

XXIV. Public distribution system :

Distribution of essential commodities.

XXV. Rural Electrification :

Promotion of rural electrification

XXVI. Co-operation :

Promotion of co-operative activities.

XXVII. Libraries :

Promotion of libraries.

XXVIII. Such other functions as may be entrusted.

SCHEDULE - III

(see section 184)

I. General functions :

Overall supervision, co-ordination and integration of development schemes at taluk and district levels and preparing the plan for the development of the district;

II. Agriculture (including Agricultural Extension) and Horticulture.-

- (1) Promotion of measures to increase agricultural production and to popularise the use of improved agricultural implements and the adoption of improved agricultural practices.
- (2) Opening and maintenance of agricultural and horticultural farms and commercial farms.
- (3) Establishment and maintenance of godowns.
- (4) Conducting agricultural fairs and exhibitions.
- (5) Management of agricultural and horticultural extension and training centres.
- (6) Training of farmers.

III. Land Improvement and Soil Conservation :-

Planning and implementation of land improvement and soil conservation programmes entrusted by the Government.

IV. Minor Irrigation, Water Management and Watershed Development :-

- (1) Construction, renovation and maintenance of minor irrigation works.
- (2) Providing for the timely and equitable distribution and full use of water under irrigation schemes under the control of the Zilla Panchayat.

- (3) Watershed development programmes.
- (4) Development of ground water resources.

V. Animal Husbandry, Dairying and Poultry :-

- (1) Establishment and maintenance of taluk and village veterinary hospitals, first-aid centres and mobile veterinary dispensaries.
- (2) Improvement of breed of cattle, poultry and other livestock.
- (3) Promotion of dairy farming, poultry and piggery.
- (4) Prevention of epidemics and contagious diseases.

VI. Fisheries :-

- (1) Development of fisheries in irrigation works vested in the Zilla Panchayat.
- (2) Promotion of inland, brackish water and marine fish culture.
- (3) Implementation of fishermen's Welfare Programmes.

VII. Khadi, Village and Cottage Industries :-

- (1) Promotion of rural and cottage industries.
- (2) Establishment and management of training-cum-production Centres.
- (3) Organisation of marketing facilities for products of Cottage and Village Industries.
- (4) Implementation of schemes of State Boards and All India Boards and Commissions for development of rural and cottage industries.

VIII. Small-Scale Industries including Food Processing-Industries :-

Promotion of small-scale industries.

IX. Rural Housing :-

Promotion of rural housing programme.

X. Drinking Water :-

Promotion of drinking water and rural sanitation programmes.

XI. Minor Forest Produce and fuel and fodder :-

(1) Promotion of social and farm forestry, fuel plantation and fodder development.

(2) Management of minor forest produce of the forests raised in community lands.

(3) Development of wasteland.

XII. Roads, Buildings, Bridges, Ferries Waterways and other means of Communications :-

(1) Construction and maintenance of district roads and culverts, causeways and bridges (excluding State Highways and Village Roads).

(2) Construction of administrative and other buildings in connection with the requirements of the Zilla Panchayat.

XIII. Non-Conventional, Energy Sources :-

Promotion and development of non-conventional energy sources.

XIV. Poverty - Alleviation Programmes :-

(1) Planning, supervision and monitoring the implementation of poverty alleviation programmes.

XV. Education including Primary and Secondary Schools :

(1) Promotion of educational activities in the district including the establishment and maintenance of Primary and Secondary schools.

(2) Establishment and maintenance Ashram Schools and Orphanages.

(3) A survey and evaluation of education activities.

XVI. Technical Training and Vocational Education :

- (1) Establishment and maintenance of rural artisan and vocational training centres.
- (2) Encouraging and assisting rural vocational training centres.

XVII. Adult and Non-formal Education :

Planning and implementation of programmes of adult literacy and non-formal education programmes.

XVIII. Markets and Fairs :

Regulation of important fairs and festivals in the district.

XIX. Health and Family Welfare :

- (1) Management of hospitals and dispensaries excluding those under the management of Government or any other local authority.
- (2) Implementation of maternity and child health programmes.
- (3) Implementation of family welfare programmes.
- (4) Implementation of immunisation and vaccination programme.

XX. Women and Child Development :

- (1) Promotion of programmes relating to development of women and children.
- (2) Promotion of school health and nutrition programmes.
- (3) Promotion of participation of voluntary organisations in women and child development programmes.

XXI. Social Welfare, including Welfare of the Handicapped and Mentally Retarded :

Promotion of social welfare programmes, including welfare of handicapped, mentally, retarded and destitute.

XXII. Welfare of the Weaker Sections and in particular of the Scheduled Castes and Scheduled Tribes :

- (1) Promotion of educational, economic, social, cultural and other interests of the Scheduled Castes, Scheduled Tribes and Backward Classes.
- (2) Protecting such Castes, Tribes and Classes from social injustice and all forms of exploitation.
- (3) Establishment and management of hostels of such Castes, Tribes and Classes.
- (4) Supervision and management of hostels in the district, distribution of grants, loans and subsidies to individuals and other schemes for the welfare of Scheduled Castes, Scheduled Tribes and Backward Classes.

XXIII. Maintenance of Community Assets :

- (1) Maintenance community assets vested in it or transferred to it by the Government or any local authorities or organisation.
- (2) Assisting the Government in the preservation and maintenance of other Community assets.

XXIV. Cultural Activities :

Promotion of social and cultural activities.

XXV. Public distribution System :

XXVI. Rural Electrification

XXVII. Co-operation

Promotion of co-operative activities.

XXVIII. Libraries

Promotion of libraries.

XXIX. Such other functions as may be entrusted.

SCHEDULE IV

(see section 199)

A. TAX ON PROPERTY	MAXIMUM RATE OF TAX
1. Tax on buildings	10 per cent of the annual letting value (per annum)
Explanation : "Annual letting value" means "the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to be let from year to year."	
2. Tax on lands not subject to agricultural assessment.	For every one hundred square metre, one rupee per annum
B. TAX ON ENTERTAINMENTS	Twenty rupees per entertainment
C. VEHICLE TAX	Rupees per year
(i) For every four wheeled vehicle with springs constructed to be drawn by two or more horses, bulls or bullocks.	25
(ii) For every two wheeled vehicle with springs constructed to be drawn by one or more horses, bulls or bullocks.	10
(iii) For every other vehicle with springs.	10
(iv) For every cart or other vehicle without springs	10
(v) For every bicycle or tricycle	5
D. FEES ON BUS STANDS	Two Rupees per bus per day.
E. FEE ON MARKETS.	
(i) For every plot measuring not more than one square meter	Fifty Paise per day.

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|---|--|
| (ii) For every additional plot of one square meter or part thereof. | Twenty five paise per day.
Eight rupees per month |
| (iii) Per basket or bag of any commodity | Twenty five Pais |
| (iv) Per cart load bag of any commodity | Five rupees per month |

F.TAX ON ADVERTISEMENT AND HOARDING

For every square metre or part thereof	Five rupees per month
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G.FEE ON REGISTRATION OF CATTLE

For every head of cattle brought for sale in shandies or fairs.	One rupee
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